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THE BRIEF

SOUTHERN
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To ensure accuracy, we ask that death notifications be accompanied by a published obituary.

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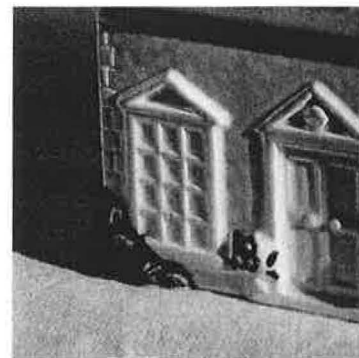
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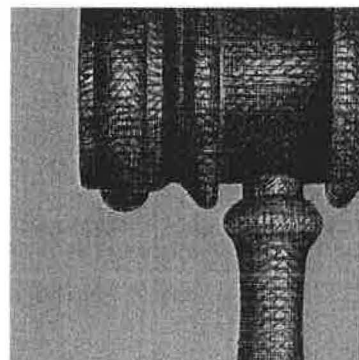
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Dear Law School Graduates and Friends,

The 1994-95 academic year was an eventful one for the law school. We celebrated the seventieth anniversary of our 1925 founding and made plans for our seventy-fifth year, coming in the year 2000, by developing a five-year strategic plan designed to move the law school to the next level of excellence. The plan, which was actually begun during the 1993-94 academic year, benefited greatly from full faculty and Executive Board participation. We believe that we have crafted a document that will set the goals and directives for taking the law school into the 21st century.



C. Paul Rogers III

It defines fund-raising priorities, but is not solely a development document. It also looks closely at how we can best marshal our existing resources and prioritizes our goals in light of current and likely future resources.

One tangible product of the plan already in place is our new Center for Pacific Rim Legal Studies, directed

by Professor Christopher H. Hanna. The Center seeks to build upon forty plus years of close ties with Pacific Rim countries and is designed to enable us to expand our already considerable influence and reputation in those countries by developing and enhancing a variety of programs. Professors Hanna and Steinberg and I visited Japan and Professor Hanna joined me in Thailand in July to publicize the Center. We received a warm reception from our graduates and from the companies and universities that we visited.

In addition to development of our five-year plan, the 1994-95 academic year was significant in many other ways. Thanks to a \$130,000 gift from graduates Anne and Cas Dunlap, we have been able to advance the technological support of the law school markedly. Anne and Cas's gift has enabled us to create a local area network for our new Public Service Program, tying it to the Career Services Office, and to create a model law office local area network for our four clinical education

programs. It also has allowed us to buy much needed new audio visual equipment for our large moot court room.

With a generous grant from the Hillcrest Foundation we have now completed the compact shelving, lighting, and safety renovation of the Underwood Law Library basement. We dedicated the area in May, delighted that all the Hillcrest trustees, including Mrs. Mabel Caruth and Harry Shuford, '39, could be present for the occasion.

Earlier, in April, we officially opened the A.J. Thomas Faculty Commons in Storey Hall. Formerly the career services office, the space was remodeled and furnished with a gift from the SMU-Taiwan Alumni Association, raised through the efforts of Felix H.T. Tsai. The unveiling ceremony, attended by A.J.'s widow, Professor Ann Van Wynen Thomas, gave us the opportunity to acknowledge publicly the lasting legacy A.J. and Ann have provided the University and the School of Law.

We successfully held our first annual reunion weekend, April 7-8, 1995, for the classes of 1954, 1963, 1964, 1965, 1970, 1974, and 1975. All had very successful gatherings. I hosted the reunion classes at a joint reception in the dean's suite on Friday evening. On Saturday evening each class had its own reception and dinner at parties spread throughout the city. Traveling at breakneck speed, I managed to visit five of the six parties. Connie Harkins, associate director of alumni relations, was ably assisted by the various reunion committees in putting together a tremendous weekend for our graduates. We look forward to many future such reunion weekends.

Academically the year was a busy and successful one. The faculty continued its amazing record of scholarly productivity, publishing twelve books and thirty-five articles, as well as numerous supplements to existing treatises. We added four gifted scholars and teachers to our tenured ranks, Professors

Gail Daly, Jane Dolkart, Julie Forrester, and Christopher Hanna. In the last two years we have tenured seven of the brightest young educators in American legal academia, all of which speaks very well for the future of your institution.

Through bequests and gifts to the school we are able this coming year to continue our recognition of the high caliber of our more senior faculty by establishing two new endowed distinguished faculty fellow positions. Professor William V. Dorsaneo III becomes the Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor Joseph J. Norton the James L. Walsh Distinguished Faculty Fellow in Financial Institutions. In addition, Professor Harvey Wingo will become the Vinson & Elkins Distinguished Teaching Fellow, succeeding Howard Taubenfeld. The two new positions bring to five the number of endowed distinguished faculty fellows to go with our three endowed professorships and one trustee professorship.

In other faculty news, Professor Thomas Wm. Mayo has stepped down as associate dean for academic affairs after three years of dedicated service to the institution. Professor Julia P. Forrester replaces him, bringing her considerable talent, creativity, and energy to the job. Professor Roark Reed will, for the third time, serve the school as the associate dean for clinical education this coming year, replacing Steve Gardner, who has returned to private practice. Professor Gardner performed very ably for the institution and we thank him and wish him well.

We have hired Tony Bastone to head our Career Services Office. Tony comes to us with seventeen years' experience in law school career services, most recently at the University of Washington, Seattle, and is one of the leaders in that field in the United States. We feel fortunate to have attracted someone of his ability at a time when the legal job market is so tight. Our students certainly need all the help they can get in finding employment in today's legal environment.

We have also hired Rebecca Garza Greenan to assume the directorship of our Public Service Program, replacing Renee Rivers who has accepted the position of assistant director of the University's new Cary M. Maguire Center for Ethics and Public Responsibility. Renee did a superb job in starting our Public Service Program from scratch and seeing it through. We will miss her persistence, cheerfulness, and can-do attitude. Rebecca Garza Greenan comes to us with considerable experience in the legal services world and is a most suitable replacement for Renee.

Of particular concern to our students, our first-year Lawyering course has completed its third year under the fine directorship of Professor Fred Moss. Widely recognized as one of the most valuable parts of the entire curriculum, it is surely a foundation for the student moot court and mock trial successes of the past couple of years, many of which are highlighted in this issue of *The Brief*.

For our wider constituency, visitors to the law school this past year included United States Solicitor General Drew Days; Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit; Harvard Law Professor Alan M. Dershowitz; Yale Law Professor Akhil Reed Amar; and former colleague and dean of SMU School of Law Charles O. Galvin.

The law school was also proud to sponsor, with the Southwestern Legal Foundation, a two-day conference in March on the Federal Rules of Civil Procedure. Professor Geoffrey Hazard, Jr., director of the American Law Institute, served as the reporter and Professor Arthur Miller of Harvard Law School as discussion leader. The conference was funded by a grant from the Products Liability Advisory Council Foundation.

All in all, the law school continues to be a vibrant, energetic center of learning and intellectual growth. Its activities are so numerous and diverse that I, as dean, can barely keep track. Without my terrific support staff I would rarely be where I am supposed to be when I am supposed to be there.

We are never too busy, however, for a visit from one of our graduates or friends. Please stop in to say hello when you are in town or when you are using the Underwood Law Library and keep in touch with your law school. For it is still true that we derive much of our vitality, vision, and energy from those who have passed through these halls before.

I hope the coming academic year is as good to you as it promises to be for the law school.

Sincerely yours,



C. Paul Rogers III
Dean

"If owning a home
is the American
dream, then the
threat of losing
that home is
the American
nightmare."



HOME EQUITY FINANCING:

Is the Federal Government Mortgaging the American Dream?

By Julia Patterson Forrester

Home ownership is the American dream. The federal government has played a significant role in promoting home ownership since the 1930s. In recent years, however, Congress has enacted legislation that either encourages homeowners to borrow against the equity in their homes or overbroadly supports home equity mortgage markets as well as purchase money mortgage markets. This legislation is putting the American dream in jeopardy for many Americans. Congresswoman Cardiss Collins best summed up the problem with federal promotion of home equity financing when she said: "[I]f owning a home is the American dream, then the threat of losing that home is the American nightmare."¹ Home equity loans

create a risk for borrowers of losing their homes because the loans are secured by liens on the borrowers' homes. Therefore, the federal government is promoting the nightmare by encouraging borrowers to mortgage their homes and lenders to require home mortgage liens. The risk of losing a home to foreclosure is a risk that homeowners are likely to discount. Empirical studies show that people tend to underestimate the occurrence of some low-probability, high-loss events, such as the loss of a home to foreclosure.² People view as probable events that occur frequently, have occurred recently, or are highly publicized because those events are easy to remember and imagine. Since foreclosures of homes occur infrequently and are unlikely to receive a great deal of publicity, homeowners are likely to view foreclosure as improbable. In addition, people resist changing their evaluation of the probability of an event even when pertinent new information becomes available. Since most homeowners have successfully made their mortgage payments in the past, they may overestimate the likelihood of successfully making each future payment. Finally, people tend to believe that negative events, such as losing a home to foreclosure, will affect others but not themselves. Therefore, homeowners are unable to properly assess the risk of home equity financing.

Although homeowners tend to underestimate its likelihood, foreclosure is a risk of home equity financing, and the loss of a home to foreclosure can be both financially and psychologically devastating. Financially, a homeowner may lose remaining equity in a home, may face a deficiency judgment in some states, or both. In addition, homeowners must deal with intense psychological pressure. Homeowners facing loss of a home are

more likely to confront physical and mental illness, suicide, crime, and family problems. Forced dislocation from a home, even without any corresponding financial difficulties, may result in sadness, depression, psychological distress, sleep loss, anger, and idealization of the lost home. In the worst cases, homeowners who lose their homes to foreclosure may end up homeless. But even for those who are able to obtain rental housing or live with friends or relatives, the loss of a home is devastating.

Despite the risk of home equity loans and their potentially catastrophic consequences, current federal law makes home equity financing the preferred form of consumer credit for both homeowners and lenders. First, tax law gives preferential treatment to home equity borrowers by allowing a deduction for interest on a home equity loan while disallowing deduction of other consumer interest. Second, federal deregulatory measures preempt state usury ceilings and other consumer protection laws relating to certain home equity loans. Finally, bankruptcy law gives preferential treatment to home equity lenders because homeowners may not obtain relief in bankruptcy from the burden of home equity loan payments and retain possession of their homes.

The Home Equity Interest Deduction and Its Effects

Federal income tax law provides the most blatant example of federal promotion of home equity financing. Under current law, a taxpayer may deduct interest paid on home equity indebtedness in an amount not exceeding the lesser of \$100,000 or the taxpayer's equity in the home.³ Therefore, within the prescribed limits, a homeowner with equity in a home can deduct interest paid on a consumer loan secured by a lien on the home. Renters and homeowners without equity cannot similarly deduct consumer interest.

The home equity interest deduction is one cause of a recent and substantial increase in the amount of home equity debt.⁴ The total amount of outstanding home equity indebtedness, including both traditional second lien loans and home equity lines of credit, grew from \$60 billion in 1981 to \$357 billion in 1991.⁵ During the same period, nonhousing consumer debt grew at a significantly lower rate.⁶ Whether the home equity interest deduction encourages homeowners to borrow when they otherwise would not borrow is unclear. What is certain is that homeowners are using the home equity loan vehicle for borrowing that might otherwise be unsecured or secured by collateral other than a home.⁷

Federal Preemption of State Consumer Protection Laws

Congress has preempted certain state laws affecting home mortgage financing in order to provide for optimal functioning of the home mortgage market. The Depository Institutions Deregulation and Monetary Control Act of 1980 (DIDMCA)

preempts state usury ceilings on most loans secured by a first lien on residential real estate.⁸ The Alternative Mortgage Transaction Parity Act (AMPTA) overrides state laws that restrict alternative mortgage financing arrangements such as loans with variable interest rates, balloon payments, or negative amortization.⁹

The scope of federal preemption of state consumer protection laws has not been limited to the purchase money mortgage market. The preemption of state usury laws under DIDMCA applies to loans secured by a first lien on residential real estate and is not confined to loans made for the purchase of a home.¹⁰ Thus, there is no limitation on the interest rate that a lender may charge on a home equity loan if it is secured by a first lien on the borrower's home. AMPTA is not limited in its application to home purchase money loans or even to loans secured by a first lien on a home.

One result of federal preemption of state consumer protection laws affecting home equity loans has been the proliferation of predatory lending practices by certain lenders. Finance companies and second mortgage companies target unsophisticated homeowners in low income neighborhoods for predatory loans characterized by exorbitant interest rates, points, and closing costs.¹¹ Homeowners who are the victims of predatory lenders may pay interest rates in excess of 39%¹² and points totalling as much as 33% of the amount financed.¹³ Predatory loans may also have other unfair terms, such as high prepayment fees that make refinancing prohibitively expensive, balloon payments that may be due within a year or two after the loan is closed, and mandatory refinancing of existing mortgages carrying lower interest rates. Because the interest rates charged and certain other terms of these predatory loans would not be legal in some states absent federal preemption of state consumer protection laws, the applicability of federal preemption to home equity loans is one cause of the predatory lending problem.¹⁴

The targets of predatory lenders are usually people who have substantial equity in their homes due to rising real estate values or to reduction of purchase money debt, but who are short on cash because of their low or fixed incomes. They may need money to make home repairs or improvements, to pay for necessities such as medical care, or to consolidate household debts. These homeowners generally do not obtain home equity loans primarily for their tax advantages but because borrowing against their homes is the only way they can obtain the credit they need.

The homeowners most often affected by predatory lending practices are minorities, the elderly, and the inner city and rural poor. The elderly are particularly vulnerable because they typically have a great deal of equity in homes that they have owned for many years and because they are likely to be on fixed incomes. Frequently, victims are those members of the work-

ing poor who have struggled to purchase and maintain homes and who thus form the economic and social backbone of low income neighborhoods.

Lenders, mortgage brokers, and home improvement contractors seek out particularly vulnerable homeowners on whom to prey. Upon finding a likely prospect, a lender, broker, or contractor may use high pressure tactics or outright fraud to induce the homeowner to enter into an abusive loan transaction. For example, these parties may misrepresent loan terms, promise to refinance on less onerous terms after the borrower has made payments for some period, pressure a borrower to sign loan documents without taking time to read them, physically obscure key terms, have a borrower sign documents with key terms left blank, or forge a borrower's signature. Using these unscrupulous and often illegal tactics, lenders may induce unsophisticated borrowers to enter into loan transactions with payments larger than their incomes can support. When a borrower has difficulty making payments, the lender may encourage refinancing of the debt with a larger loan carrying a higher interest rate and requiring higher monthly payments and payment of additional points and closing costs.

Predatory lenders have been accused of making loans designed to fail so that the lenders can take title to borrowers' homes through foreclosure.¹⁵ These lenders often make loans without regard to the borrower's ability to repay and with monthly payments that exceed two-thirds of the borrower's monthly income.¹⁶ Predatory lenders rely on the borrower's equity in a home to secure the loan rather than on the borrower's ability to repay, an underwriting practice clearly inappropriate for home mortgage lending. This practice sets up the borrower for ultimate failure and loss of the home to foreclosure. In fact, the lenders are in a "win-win" situation: "If the homeowner pays the outrageous amounts, the lender reaps an enormous profit. If the homeowner is unable to pay, the lender forecloses and gets the house with equity typically in the tens of thousands of dollars."¹⁷ Even if the borrower prepays the loan by refinancing at a more reasonable interest rate, the lender profits from any required prepayment fee and receives a higher rate of return on the loan because of points paid at the closing.

Lenders justify the high interest rates on the loans because of the high risk of making loans to less creditworthy borrow-

ers.¹⁸ Yet both formal studies¹⁹ and logic suggest that the risk to a lender of a secured loan is not so great as to justify some of the interest rates charged. Regardless of the true risk involved, the high interest rates and corresponding high payments on predatory loans make default and foreclosure more likely and thus may perpetuate the myth of high risk.

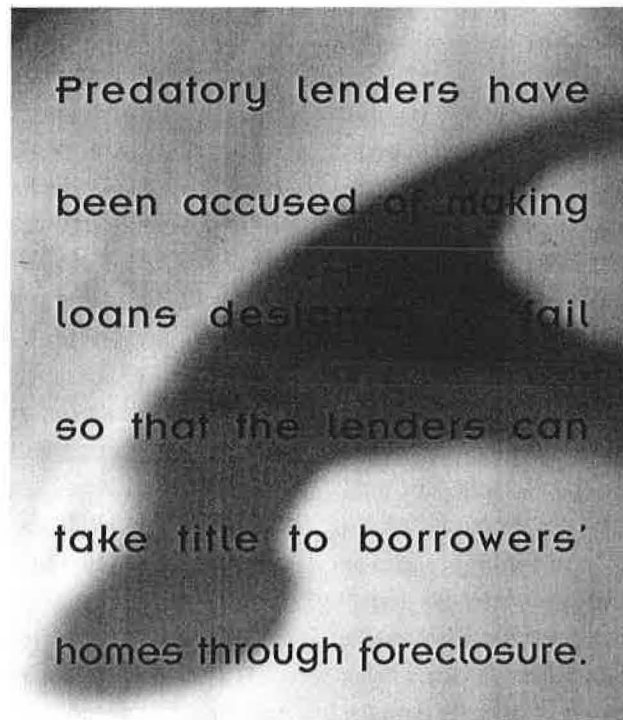
Congress recently addressed the problem of predatory lending by enacting the Home Ownership and Equity Protection Act of 1994, which requires certain disclosures and prohibits certain unfair terms in closed-end home equity loans with extremely high interest rates.²⁰ Prohibited under the Act are

balloon payments required within five years after the closing of the loan and some prepayment penalties.²¹ These prohibitions, as well as the required disclosures, apply only to home equity loans with exorbitant interest rates. The Act does not prohibit exorbitant interest rates altogether.

Bankruptcy Law

Like DIDMCA and AMPTA, the Bankruptcy Code promotes home equity financing because its provisions supporting the mortgage market are not limited in their effect to purchase money mortgages. Section 1322(b)(2) prohibits modification in bankruptcy of any loan "secured only by a security interest in real property that is the debtor's principal residence." This provision applies to home equity loans as well as to purchase money loans.²² Congress recently amended chapter 13 to permit modification of a loan secured by the debtor's principal residence if "the last payment on the original payment schedule...is due before the date on which the final payment under the plan is due."²³ This provision would appear to permit modification of a home equity loan if its remaining term is shorter than the term of the debtor's chapter 13 plan. The prohibition against modification is still applicable to long-term home equity loans.

While bankruptcy law gives home mortgage lenders protection unavailable to other creditors, it gives homeowners little protection beyond that provided under state law. Bankruptcy protection is particularly limited for homeowners who have encumbered the exempt portion of a homestead. Nevertheless, many homeowners in financial distress try to forestall bankruptcy by borrowing against the equity in their homes without realizing the bankruptcy consequences of a home equity loan.



By granting a lien on a home, a homeowner is encumbering an asset that would otherwise be exempt to the extent allowed by state law or the Bankruptcy Code and is therefore making retention of the home subject to the payment of the debt secured thereby. While a debtor with unsecured debt may keep a home and at the same time discharge the debt in chapter 7 or modify it in chapter 13, a debtor with a home equity loan must pay that loan in full on its original terms in order to retain possession of the home. Therefore, it is to a homeowner's disadvantage to take out a home equity loan to pay bills or to consolidate unsecured debts. By postponing bankruptcy with a home equity loan, the homeowner is converting fully dischargeable debts into debt that cannot be discharged in bankruptcy without loss of the home.

More than half of all consumer bankruptcies involve homeowners, most of whom go to great lengths to retain ownership of their homes.²⁴ Critics may argue that homeowners in bankruptcy should be required to pay their debts to the extent possible and that the loss of a home is not too great a sacrifice if it enables a debtor to pay debts. However, this argument goes against the fresh start policy of bankruptcy, which permits a debtor to discharge debts and retain exempt assets.²⁵ Because of the special treatment of home mortgage lenders in bankruptcy, a homeowner facing foreclosure of a home equity mortgage may find a bankruptcy filing to be of little help. The only benefits of a bankruptcy filing would be the delay of foreclosure resulting from the automatic stay²⁶ and the ability to cure prebankruptcy defaults over the term of a chapter 13 plan.²⁷ Therefore, a homeowner who takes out a home equity loan as a means to forestall bankruptcy may lose the benefit of the fresh start. On the other hand, a homeowner who files a bankruptcy petition rather than encumbering exempt home equity when debts become overwhelming can take full advantage of the bankruptcy fresh start by discharging debts and retaining a home.

Interaction of Federal Measures Promoting Home Equity Financing

The consequences to a homeowner of the interaction of the different provisions of law that encourage home equity financing are apparent in the bankruptcy arena. The interaction of the provisions of DIDMCA and the Bankruptcy Code that promote home equity financing are particularly troublesome. A lender can structure a loan to take full advantage of federal protection granted to home equity lenders. In order to fit within the provisions of DIDMCA and thus avoid state usury limitations, the lender can obtain a first lien on the borrower's home by requiring the borrower to pay existing home mortgage indebtedness with the proceeds of the new loan, which may carry a higher interest rate than the refinanced indebtedness. In order to fit within the antimodification provision of chapter 13,

the lender can secure a loan only with the borrower's home rather than taking additional collateral such as an automobile purchased with loan proceeds. If the homeowner falls behind in making payments on a home equity loan because of payments beyond his or her means or because of unexpected circumstances such as job loss, a bankruptcy filing will accomplish no more than a delay in foreclosure while the homeowner cures the default. If high interest rates make a home equity loan truly unaffordable for the homeowner, then the delay of foreclosure and the right to cure a default will not make a bankruptcy filing worthwhile since foreclosure cannot ultimately be avoided. Bankruptcy therefore provides no meaningful protection for such a homeowner.

The consequences of the interaction of tax law and bankruptcy law provisions that encourage home equity financing are also disturbing. In some cases a homeowner's granting of a lien on a home may be motivated by the homeowner's desire to deduct interest on the loan. For example, a homeowner might take out a home equity line of credit rather than borrowing against credit cards because interest on the home equity loan would be deductible. If the homeowner's financial situation changes and a bankruptcy becomes necessary, the home equity debt cannot be discharged upon payment of less than its full amount on its original terms as could unsecured credit card debt. This result is particularly troublesome in light of the tendency of individuals to underestimate the risks that their current consumption imposes upon their future well-being.

Eliminating Federal Promotion of Home Equity Financing

The federal government should not artificially encourage use of the home equity loan structure for consumer borrowing. Indeed, an argument can be made that the federal government should discourage home equity financing, thus protecting the home and furthering the federal home ownership policy. This approach is taken in Texas, a state that provides far greater protection of the home against execution by creditors than any other state. Since Texas homeowners may grant liens on their homes only to secure a loan for purchase money, improvements, or payment of property taxes, home equity loans are not available.²⁸

Although Texas prohibits home equity loans, the federal government should not prohibit or even discourage home equity financing. There are sound reasons from both borrowers' and lenders' perspectives to use home equity financing. For a lender, a home equity loan with a low loan-to-value ratio is a very low risk loan because the borrower's home provides an alternative source of payment in the event the borrower defaults. In addition, the risk of losing the home may provide the motivation necessary to keep the borrower from defaulting in the first place. Many borrowers let other debts go unpaid while scrupulously making a home mortgage payment each month.

A homeowner may also have legitimate reasons to secure consumer debt with a lien on a home despite the risk of losing the home. Since a lender may be unwilling to make an unsecured loan, a homeowner might choose to grant a lien on a home as a means to obtain credit that would not otherwise be available. In addition, credit secured by a home may be available at a lower interest rate or for a longer term than unsecured credit.²⁹ In some cases, these benefits may outweigh the disadvantages of a home equity loan, which include higher closing costs and delay in obtaining the financing, as well as the risk of losing the home.³⁰ Despite the fact that homeowners may underestimate the risk of a home equity loan, there are cases where a homeowner should choose to borrow against home equity.

While the federal government should not prohibit home equity loans, neither should it promote home equity financing. Federal measures that encourage lenders and borrowers to choose the home equity loan structure for consumer credit do not further any legitimate federal goal. In fact, federal promotion of home equity financing undermines the federal home ownership policy and the fresh start policy of bankruptcy. Most Americans still believe that home ownership is the American dream. The federal government should not mortgage that dream by encouraging homeowners to mortgage their homes to secure borrowing not related to their homes.



Julia Patterson Forrester is associate dean for academic affairs and an associate professor of law. She holds a B.S.E.E. and a J.D. from the University of Texas at Austin. Prior to joining the SMU faculty she was a real estate attorney with the Dallas firm of Thompson & Knight. Professor

Forrester teaches in the areas of property, real estate transactions, and land use.

This article is drawn from a longer one: "Mortgaging the American Dream: A Critical Evaluation of the Federal Government's Promotion of Home Equity Financing," 60 *Tulane Law Review* 373 (1994). That article received the John Minor Wisdom award for academic excellence in legal scholarship for the best article appearing in each volume of the *Tulane Law Review*.

¹ Mortgage Delinquencies and Defaults: Hearings before the Subcomm. on Government Operations, 97th Cong., 2d Sess. 1 (1982).

² See Kenneth S. Abraham, *Distributing Risk* 22 (1986); Howard Kunreuther, *Disaster Insurance Protection: Public Policy Lessons* 185-86 (1978).

³ I.R.C. § 163(h)(3)(A)(ii), (C) (1988).

⁴ U.S. General Accounting Office, *Tax Policy: Many Factors Contributed to the Growth in Home Equity Financing in the 1980s* 1 (1993) [hereinafter GAO Report].

⁵ Id. at 12-14.

⁶ Id. at 1.

⁷ Id. app. III, at 59-62.

⁸ Pub. L. No. 96-221, title V, § 501, 94 Stat. 132, 161 (codified as amended at 12 U.S.C. § 1735f-7a(a)(1)).

⁹ Pub. L. No. 97-320, title VIII, § 804, 96 Stat. 1496 (codified at 12 U.S.C. § 3803).

¹⁰ See *Smith v. Fidelity Consumer Discount Co.*, 898 F.2d 907 (3d Cir. 1990); *Bank of New York v. Hoyt*, 617 F. Supp. 1304 (D.R.I. 1985). Contra *Mitchell v. Trustees of United States Mutual Real Estate Inv. Trust*, 375 N.W.2d 424 (Mich. Ct. App. 1985).

¹¹ See Senate Comm. on Banking, Housing, and Urban Affairs, the Community Development, Credit Enhancement, and Regulatory Improvement Act of 1993, S. Rep. No. 169, 103d Cong., 1st Sess. 21-22 (1993); Adding Injury to Injury: Credit on the Fringe: Hearing before the Subcomm. on Consumer Credit and Insurance of the House Comm. on Banking, Finance and Urban Affairs, 103d Cong., 1st Sess. 3 (1993) [hereinafter Hearing on Credit] (statement of Bruce Marks, Executive Director, Union Neighborhood Assistance Corp.).

¹² Jack Meyers et al., *Firm Wrote Loans at 39% Interest*, Boston Herald, June 17, 1991, at 1, 20.

¹³ Problems in Community Development Banking, Mortgage Lending Discrimination, Reverse Redlining, and Home Equity Lending: Hearings before the Senate Comm. on Banking, Housing, and Urban Affairs, 103d Cong., 1st Sess. 315-16 (1993) [hereinafter Hearings on Problems in Lending] (letter from Elizabeth Renuart, Managing Attorney, St. Ambrose Legal Services, to Sen. Donald W. Riegle, Jr.).

¹⁴ See id. at 256-57 (statement of Kathleen Keest, National Consumer Law Center).

¹⁵ See id. at 254 (statement of Scott Harshbarger, Attorney General, Commonwealth of Massachusetts); 60 *Minutes: A Matter of Interest* (CBS television broadcast, Nov. 15, 1992).

¹⁶ See Hearing on Credit, supra note 11, at 5 (statement of Bruce Marks, Executive Director, Union Neighborhood Assistance Corp.).

¹⁷ Id. at 2 (statement of Steven D. Caley, Atlanta Legal Aid Society).

¹⁸ Hearings on Problems in Lending, supra note 13, at 334 (statement of John P. Hamill, President, Fleet Bank of Massachusetts).

¹⁹ See, e.g., Robert A. Eisenbeis & Neil B. Murphy, *Interest Rate Ceilings and Consumer Credit Rationing: A Multivariate Analysis of a Survey of Borrowers*, 41 S. Econ. J. 115, 122 (1974); Maurice Goudzwaard, *Consumer Credit Charges and Credit Availability*, 35 S. Econ. J. 214, 217-20 (1969); A. Charlene Sullivan, *Competition in the Market for Consumer Loans*, 36 J. Econ. & Bus. 141, 148 (1984).

²⁰ Pub. L. No. 103-325, tit. 1, subtit. B, 108 Stat. 2190 (codified at 15 U.S.C. §§ 1601-1648).

²¹ Id. § 152(d)m, 108 Stat. at 2191-93.

²² See *Davis v. Allied Credit Corp. (In re Davis)*, 989 F.2d 208, 210 (6th Cir. 1993); *Rubottom v. Metro. Mtg. & Sec. Co. (In re Rubottom)*, 134 B.R. 641, 643-44 (Bankr. 9th Cir. 1991); *In re Boisvert*, 156 B.R. 357, 359 (Bankr. D. Mass. 1993). Contra *Capitol Credit Plan v. Shaffer*, 116 B.R. 60 (W.D. Va. 1988), appeal dismissed, 912 F.2d 749 (4th Cir. 1990).

²³ Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, § 301, 108 Stat. 4106, 4131 (codified at 11 U.S.C. § 1322(c)(2)).

²⁴ Teresa A. Sullivan, Elizabeth Warren & Jay L. Westbrook, *As We Forgive Our Debtors: Bankruptcy and Consumer Credit in America* 129, 134 (1989).

²⁵ See id. at 20, 25-27.

²⁶ See 11 U.S.C. § 362(a)(5).

²⁷ See id. § 1322(b)(5).

²⁸ Tex. Const. art. XVI, § 50; Tex. Prop. Code Ann. § 41.001(b) (West 1993).

²⁹ GAO Report, supra note 4, at 17.

³⁰ Id. at 17-18.

FUTURES PRICES

BODILY ORGAN

Cornmeal

	Open	High	Low	Settle	Chg
Sep 95	12800	13100	12800	12800	+24
Oct 95	12800	13100	12800	12800	+24
Dec 95	13200	13555	12800	13025	+32
Mar 96	13540	13600	13300	13410	+32
May 96	13700	13950	13700	13800	+32
Aug 96	13950	14200	13770	13800	+28
Oct 96	14100	14350	14100	14200	+28
Dec 96	n/a	n/a	n/a	n/a	n/a
Jan 97	n/a	n/a	n/a	n/a	n/a
Mar 97	n/a	n/a	n/a	n/a	n/a
Est. Sales	225,500	Tue's Sales	275,943		
Tue's open int.	890,450	Chg	+221		

Heart

	Open	High	Low	Settle	Chg
Sep 95	32500	32800	32500	32655	+37
Oct 95	33000	34000	33000	34000	+100
Dec 95	32800	33100	32800	33025	+225
Mar 96	33200	33555	33300	33410	+210
May 96	33540	33600	33300	33500	+200
Aug 96	33700	33950	33700	33800	+200
Oct 96	33950	34200	33770	33800	+200
Dec 96	34100	34350	34100	34200	+200
Jan 97	n/a	n/a	n/a	n/a	n/a
Mar 97	n/a	n/a	n/a	n/a	n/a
Est. Sales	955,500	Tue's Sales	1,275,943		
Tue's open int.	1,450,450	Chg	+221		

Kidneys

	Open	High	Low	Settle	Chg
Sep 95	22500	22800	22500	22655	+37
Oct 95	33000	34000	33000	34000	+100
Dec 95	22800	23100	22800	23025	+225
Mar 96	23200	23555	23300	23410	+210
May 96	23540	23600	23300	23500	+200
Aug 96	23700	23950	23700	23800	+200
Oct 96	23950	24200	23770	23800	+200
Dec 96	24100	24350	24100	24200	+200
Jan 97	n/a	n/a	n/a	n/a	n/a
Mar 97	n/a	n/a	n/a	n/a	n/a
Est. Sales	854,500	Tue's Sales	675,943		
Tue's open int.	890,450	Chg	+221		

Liver

	Open	High	Low	Settle	Chg
Sep 95	32500	32800	32500	32655	+37
Oct 95	33000	34000	33000	34000	+100
Dec 95	32800	33100	32800	33025	+225
Mar 96	33200	33555	33300	33410	+210
May 96	33540	33600	33300	33500	+200
Aug 96	33700	33950	33700	33800	+200
Oct 96	33950	34200	33770	33800	+200
Dec 96	34100	34350	34100	34200	+200
Jan 97	n/a	n/a	n/a	n/a	n/a
Mar 97	n/a	n/a	n/a	n/a	n/a
Est. Sales	955,500	Tue's Sales	1,275,943		
Tue's open int.	1,450,450	Chg	+221		

Pancreas

	Open	High	Low	Settle	Chg
Sep 95	12500	12800	12500	12655	+37
Oct 95	12800	13100	12800	13025	+225
Dec 95	13200	13555	13300	13410	+210
Mar 96	13540	13600	13300	13500	+200
May 96	13700	13950	13700	13800	+200
Aug 96	13950	14200	13770	13800	+200
Oct 96	14100	14350	14100	14200	+200
Jan 97	n/a	n/a	n/a	n/a	n/a
Mar 97	n/a	n/a	n/a	n/a	n/a
Est. Sales	225,500	Tue's Sales	275,943		
Tue's open int.	890,450	Chg	+221		

CURRENCY & INTEREST RATES

	Open	High	Low	Settle	Chg
Sep 95	12500	12800	12500	12655	+37
Oct 95	12800	13100	12800	13025	+225
Dec 95	13200	13555	13300	13410	+210
Mar 96	13540	13600	13300	13500	+200
May 96	13700	13950	13700	13800	+200
Aug 96	13950	14200	13770	13800	+200
Oct 96	14100	14350	14100	14200	+200
Jan 97	n/a	n/a	n/a	n/a	n/a
Mar 97	n/a	n/a	n/a	n/a	n/a
Est. Sales	225,500	Tue's Sales	275,943		
Tue's open int.	890,450	Chg	+221		

THE NEED FOR A FUTURES MARKET IN BODILY ORGANS

By Gregory S. Crespi

**We have in this country what
can only be described as a
scandalously ineffective legal
and institutional framework
governing the transplantation
of human bodily organs.
Thousands of Americans die
every year for want of a kidney,
a heart, a liver, or a pancreas,
while the organs that could
prolong their lives are fed to
worms. It does not have
to be this way.**

Armed with modern medical technology our doctors are capable of carrying out the needed organ harvesting and transplantation surgeries at an acceptable cost and with excellent survival rates. Just as importantly, the necessary organs are available from cadavers alone in sufficient quantities to meet existing and projected needs.

These many deaths from organ failure are the unintended consequence of a flawed legal regime. The laws that govern the transplantation of organs prohibit the commercial sale of organs by donors to recipients or brokering intermediaries. We have institutionalized a transplantation system that relies totally upon donor altruism for its supply of organs. Not surprisingly, the number of organs supplied falls well short of the need. Many potential transplant recipients who could live productive and satisfying lives instead linger painfully and fruitlessly, their names on long waiting lists, and then die of organ failure.

Wise legislators design laws to govern people as they are, not as we would wish them to be. If history teaches us anything it is that we cannot rely solely upon the altruistic feelings of producers to bring forth the needed goods and services. We must also harness the powerful motivation of economic self-interest. Organ donations are no exception to this rule. For most persons the anxiety created by contemplation of their mortality overcomes their altruistic impulses and saps them of the resolve to serve as organ donors. Moreover, the next of kin of a recently deceased person with harvestable bodily organs are in a state of shock and grief at the time when the organ donation decision must be made. Such an emotional state is not conducive to consenting to uncompensated dismemberment of the recently sentient corpse, and most medical personnel are understandably

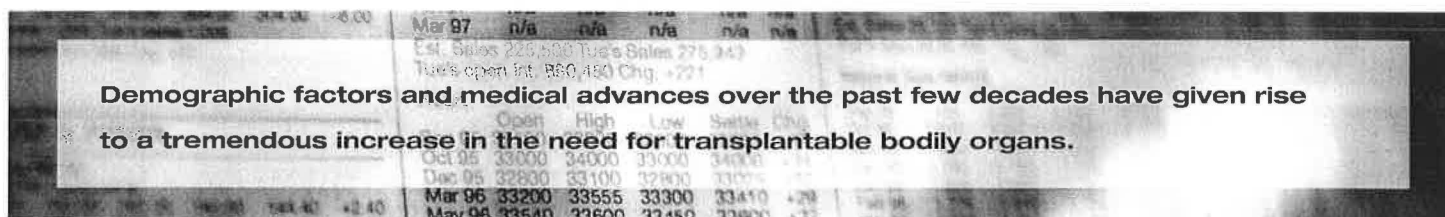
reluctant even to broach the subject. Enough organs will be voluntarily supplied to meet the substantial and rapidly expanding transplantation needs only if and when we allow potential organ recipients or their agents to augment the noble altruistic feelings of potential donors or their bereaved kin with the promise of more tangible remuneration.

A number of arguments are offered in opposition to the creation of a commercial market in bodily organs. Some of these arguments are specious. Others, grounded in fundamental and widely shared beliefs concerning the dignity of individuals and the importance to personhood of bodily integrity, have merit. Nevertheless, we can adequately address these concerns without imposing a blanket prohibition upon all commercial organ transactions—which, as we have learned, creates a severe organ shortage and effectively sentences thousands of persons a year to needless suffering and death. The

large enough to meet the existing and projected near-term needs for transplant organs. Anything even approaching full utilization of all of the organs available from these cadavers would eliminate the waiting list backlog of needed transplant operations within one to two years, saving many thousands of lives. The current severe organ shortage therefore does not reflect the physical unavailability of sufficient transplantable organs. Rather, it is the result of a poorly designed legal and institutional framework governing organ procurement that utilizes only a fraction of the available organs.

The Law Governing Organ Procurement

The existing body of law governing organ transplantation is relatively straightforward. Both the federal National Organ Transplant Act (NOTA) and the state codifications of the Uniform Anatomical Gift Act (UAGA) allow and encourage



critical needs of persons who require organ transplants to survive and the concerns of defenders of principles of personhood and individual dignity can *both* be met through the imposition of a regulatory structure that allows the commercial sale of organs to take place, but only within the confines of a “futures” market.

Let me first review the basic features of the current shortage of transplantable organs and outline the existing legal framework governing the transfer of those organs. I then present and discuss the arguments offered for and against allowing the commercial transfer of bodily organs. Finally, I outline a proposed futures market in transplantable organs and suggest a strategy for bringing about the needed enabling statutory changes.

The Organ Shortage

Demographic factors and medical advances over the past few decades have given rise to a tremendous increase in the need for transplantable bodily organs. The supply of organs has unfortunately not kept up with the growth in demand. There are long waiting lists for organ transplants, and many persons on those lists will die because of the lack of timely availability of a suitable organ.

The ideal sources of organs for transplantation are the cadavers of those persons who die in hospital settings due to head or other accidental injuries that leave their organs viable. This supply of cadavers is estimated at 20,000 per year, a pool

the donation of bodily organs for transplantation as uncompensated gifts. While the UAGA does not expressly prohibit the commercial sale of organs, it is generally interpreted by the courts to do so, at least to the extent of rendering contracts for sale unenforceable. NOTA clearly prohibits the commercial sale of bodily organs and imposes severe penalties for violations. Major changes in both federal and state law will be required if a futures market in bodily organs is to be established.

Should Organ Sales Be Allowed?

The organ commercialization controversy has persisted for almost three decades. Proponents of commercialization are usually economists who accord great importance to the promotion of efficient resource allocation and consequently are disposed to favor market outcomes over the less efficient results of nonprice allocation mechanisms. From their perspective, a free market is a highly efficient means of moving goods from lower- to higher-valued uses. To them, the suspension of the price mechanism greatly hinders the transfer of harvestable organs from cadavers to persons who would benefit immensely from transplantation of those organs. They regard the organ sale prohibitions as anomalies in a society committed to concepts of private property and voluntary exchange.

Opponents of commercialization have at times attempted to counter directly these economics-oriented claims. For the most

part, however, they have declined to engage in meaningful debate concerning the organ supply consequences of commercialization alternatives. Instead they have emphasized arguments against commercialization based upon the categorical premise that organ sales are morally wrong. They often describe commercialization proposals as endorsing “trafficking in human flesh” or by similar strong metaphors. They regard such proposals as a major step towards further subjecting persons to the depersonalizing influence of market rhetoric, and promoting a “commodification” of the body that should be held sacred and above commercial calculus. From this perspective, society should not allow the sale of bodily organs any more than it should allow persons to sell themselves into slavery or to enslave others. Finally, opponents of commercialization argue that allowing a market in organs to exist would reveal as starkly as possible the immorality of allocating goods and services on a willingness-to-pay basis in a society characterized by a highly skewed distribution of wealth.

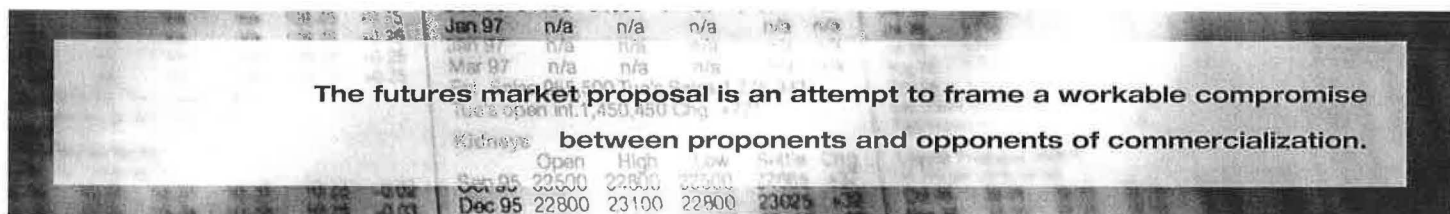
So articulated, the issues are rarely joined in productive fashion. Proponents of commercialization often fail to take seriously and respond to the “commodification/rights of personhood” arguments of their opponents. Instead they focus on the moral implications of the substantial loss of life that results from the current system of organ procurement. If they were to give proper weight to those personhood concerns, they would, in my opinion, come to the conclusion that a workable compromise position is to be found in a futures market framework. On the other side of the controversy, opponents of commercialization tend to take refuge in moral declarations stated in very general and abstract terms. They fail to concede the brute fact that human behavior is much more responsive to prospects for financial gain than it is to appeals

The Futures Market Solution to the Organ Shortage

I have elsewhere set forth and defended a detailed proposal for the establishment of such a futures market,¹ and here discuss only its broadest features. The central idea is that organ sale transactions would be permitted only if they took the form of a contractual commitment entered into by the person in whose body the organs are located (the organ bearer) to make those organs available to the other contracting party (the organ buyer) for removal and resale for transplantation purposes upon the death of the organ bearer. No money would change hands unless and until the organs were harvested. The sale of a decedent’s organs by surviving kin would be prohibited, as would the sale by an organ bearer of a paired organ to be removed while the bearer is still alive.

The organ buyer under such a futures contract—presumably a large health insurance company or financial institution that has entered into many such futures contracts—would be under no obligation to harvest those organs upon the bearer’s death or otherwise dispose of the cadaver, but would merely have an option right to harvest those organs and pay the contractually agreed sum to the organ bearer’s estate should it choose to do so. Hospitals would be charged with the responsibility of consulting a national registry of futures contracts to determine whether a newly admitted patient was covered by such a contract, and would promptly contact the organ buyer upon the death of a covered patient for instructions as to how to proceed.

How the available organs, once harvested, would be allocated among potential transplant recipients remains to be determined. Possible allocation criteria include willingness to pay; severity of need; clinical prospects for transplant success; age; first-come, first-served queuing; lotteries; or other “fair-



to altruism. The defenders of personhood and dignity need to go beyond exhortations that persons should show more concern for the plight of their fellow man and blanket objections to all efforts to encourage desirable behavior through compensation incentives. They need to identify which classes of organ transactions would violate core moral principles, and which transactions could perhaps be tolerated as a necessary concession to human motives of self-interest if thousands of lives were thereby saved. Such a realistic stance would, in my view, also lead opponents of commercialization towards the middle ground of an organ futures market.

ness”-oriented mechanisms. I favor reliance upon market mechanisms, so as to guarantee that organ sale prices would be sufficient to cover organ buyer/middlemen costs, with government subsidies through Medicare-type programs made available for persons who have inadequate medical insurance coverage or otherwise lack the means to pay for the needed organs.

The futures market proposal is an attempt to frame a workable compromise between proponents and opponents of commercialization. I expect that most potential organ bearers will regard the prospect of substantial payments being made to

their estates to be an adequate incentive to enter into organ futures contracts. Proponents of commercialization should therefore not strenuously object to restrictions blocking direct cash sales. Limitation of payments to organ bearers' estates should also adequately address the core concern of opponents of commercialization that persons not be put into a position in which they will feel pressured to allow future harvesting of their organs to obtain the funds to meet an immediate financial exigency. The ban on payments made before the organ bearer's death, coupled with the organ bearer's right unilaterally to terminate the futures contract without liability at any time, should allay the fears of those opponents of commercialization who take a paternalistic stance with regard to protecting persons from entering into commitments that they will later come to regret but will be unable to undo because they cannot afford the cost of a "buyout."

One can only speculate as to how the financial terms of organ futures contracts would evolve under a market regime. I suggest that it may be necessary to offer prospective organ bearers a payment option with a present value in the neighborhood of \$200 to assure widespread participation in futures contracts. For a hypothetical 35-year-old with an additional life expectancy of about 40 years, and who has statistically about a 1-in-150 chance of dying in a manner that leaves his organs suitable for removal and transplantation, this suggested amount would require a commitment to pay to his estate, if his organs are harvested, about \$25,000 for each of the five major transplantable organs.² Additional contracting, harvesting, and other transaction costs estimated at about \$5,000 per organ would establish a floor of about \$30,000 for the individual organ price charged to a recipient. Prices at these levels would increase the already substantial overall surgery and hospitalization costs of transplant operations by roughly 10% to 100%, depending upon the organ transplanted.

My endorsement of market determination of the prices charged the ultimate transplant recipients for organs is, I concede, controversial. One can easily come up with good reasons for objecting to allocating, in effect, life itself on the basis of ability to pay. However, a properly functioning futures market that draws into its pool a substantial fraction of the suitable organs available will be able to fill *all* organ transplantation needs, and will obviate the need for difficult triage choices. The key is to let the prices offered potential organ bearers for their futures commitments rise to levels that provide sufficient incentive for the public to sign up en masse, which will occur only if the organ buyer middlemen are allowed to resell those organs at prices sufficient for them to recoup their costs. I expect that between health insurance coverage and government entitlement programs the major portion of the costs of even \$30,000+ organs will generally be

spread broadly across society, as are the costs of transplant surgeries now. A futures market regime could also be accompanied by expanded government programs to facilitate further cost-sharing and thus broaden access. Moreover, one must never forget the elementary economic fact that payments made by or on behalf of organ transplant recipients to organ bearer estates through the intermediation of organ buyer middlemen are transfer payments of a purely financial nature, and do not reflect real resource costs. On the other hand, when a person dies for lack of a suitable organ when such an organ exists but is wasted, now that is a real cost.

The futures market proposal splits the difference between the positions taken by proponents and opponents of commercialization in a manner that should be acceptable to virtually any member of either group who appreciates the disastrous consequences of the current donation-based system and recognizes the need for some form of immediate and radical change. Proponents of commercialization should agree that this proposal achieves their central objectives: the introduction of financial incentives into the organ supply system, and the use of market mechanisms to determine the form and size of those incentives. Opponents of commercialization should also agree that this proposal goes quite far towards protecting the personhood interests they so strenuously defend. The restrictions on payments to organ bearers before their death and on sales by living donors and relatives of decedents will prevent persons from being economically coerced into selling their organs to meet pressing financial needs. Such restrictions will also prevent relatives of decedents from desecrating their memories by auctioning off their organs to the highest bidder for personal gain. Potential transplant recipients, of course, will be the great winners under this proposal, since they will be able to obtain promptly the organs they so desperately need provided they or their medical insurers are willing to pay for them.

Changing the Law to Allow an Organ Futures Market to Operate

The existing statutory framework governing organ donations completely blocks commercial transactions and would need to be substantially changed to permit a futures market to operate. Any effort in this direction must involve constitutional challenges to NOTA and the UAGA limitations on commercial organ transactions as well as political efforts to amend those statutes.

Two relatively plausible constitutional critiques can be made of NOTA and of any state statutes that similarly prohibit the sale of bodily organs. One or the other of these critiques may provide a legal rationale sufficient to allow sympathetic courts persuaded of the practical advantages of a futures market in bodily organs to invalidate those statutes on constitutional

grounds. One of these challenges can be based upon the "right to privacy" line of constitutional jurisprudence, as developed in the contraceptive, abortion, and right-to-die cases, and would argue that the decision to sell an organ through a futures market arrangement is a very personal medical decision not properly subject to governmental limitation. The other challenge could be grounded upon recent "takings" clause constitutional jurisprudence, and would argue that the current organ sale restrictions constitute a governmental taking of one's property interest in one's own body parts without proper compensation.

Proponents of futures market enabling legislation can expect to encounter substantial political resistance from two sources. First, certain organized groups (such as transplant surgeons associations or major health insurers) may regard such legislation as a threat to their interests precisely because it promises to sharply increase the supply of transplantable organs, while simultaneously raising the cost of organ transplantations. A second source of political resistance to such legislation, more diffuse and intangible but nevertheless present and powerful, is current public opinion. The public appears to largely accept the arguments offered by opponents of commercialization that organ sales are morally wrong and somehow show disrespect for concepts of personhood and individual dignity. This public opinion can only be changed by a major national education campaign that succeeds in getting across three key ideas: (1) thousands of people die of organ failure annually while we fail to come anywhere close to fully utilizing the available supply of cadaver organs; (2) the primary reason that these deaths occur is because we have taken away the financial incentive to be an organ donor; and (3) there is nothing morally problematic about organ sales if they are confined to the framework of a futures market system such as I propose.

This last concept is absolutely crucial to communicate. People must come to understand that the revulsion they legitimately feel at the thought of an impoverished member of the urban underclass or a Third-World peasant selling for a mere pittance a kidney that will immediately be removed and airlifted to a Miami Beach transplant center should not be allowed to affect their judgment as to the merits of organ futures market proposals that will not allow these forms of abuse to occur. Rights are implicated here, to be sure. But they are the rights of persons to have their mortal remains disposed of as they see fit, and the rights of many thousands of persons who need organ transplants to live to offer sufficient financial inducements to have those organs made available. They are not abstract rights of "personhood" that would somehow be infringed by allowing normal market actions to occur.

Conclusion

Every year we allow thousands of people to die who could be saved by the transplantation of a bodily organ from a

cadaver that has no further use for it. We blame these deaths on the "organ shortage," which we often treat as an immutable fact of nature. This shortage, however, is totally the creation of a flawed legal regime that has removed all financial incentives to serve as an organ donor. A properly designed organ futures market would restore those incentives, dramatically expanding organ supplies and saving many lives, without resulting in any of the abusive or degrading practices feared by opponents of commercialization.

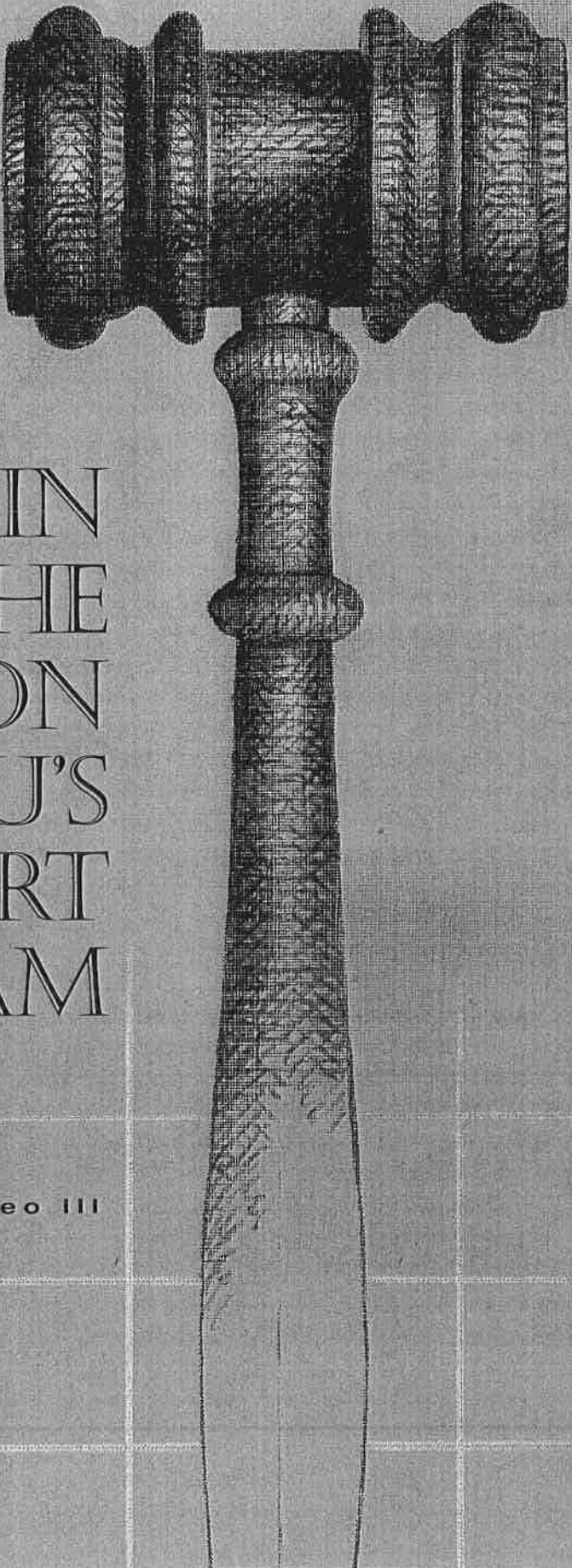
The existing framework of state and federal statutes governing organ transplantation currently stands as a complete roadblock to the creation of an organ futures market. Those statutes' organ sale restrictions must be removed. The most promising course of action for proponents of an organ futures market appears to be to seek to have the statutory restrictions on organ sales invalidated on federal constitutional grounds—thus opening the doors for commercial activity in bodily organs. From that relatively advantageous position they could then seek to muster sufficient political support to meet the opponents attempting to reimpose restrictions halfway with futures market-oriented compromise solutions.



Gregory S. Crespi is an associate professor of law. He received his B.S. from Michigan State University; his M.S. from George Washington University; his Ph.D. from the University of Iowa; and his J.D. from Yale Law School. Prior to joining SMU's faculty, Professor Crespi served in the White House as the senior counsel for the Council of Economic Advisers under both the Reagan and Bush administrations. He also practiced law for several years with the firms of Debevoise & Plimpton and Davis, Hockenberg. The author of two books on securities law and articles on law and economics, securities regulation, disability rights, and other topics, Professor Crespi teaches in the areas of contract law, law and economic analysis, jurisprudence, and corporate finance and acquisitions.

¹ Gregory S. Crespi, *Overcoming the Legal Obstacles to the Creation of a Futures Market in Bodily Organs*, 55 Ohio St. L.J. 1 (1994); see also Lloyd Cohen, *Increasing the Supply of Transplant Organs: The Virtues of a Futures Market*, 58 Geo. Wash. L. Rev. 1 (1989).

² The payment of \$25,000 apiece for the five major transplantable organs (two kidneys, heart, liver, and pancreas), plus about \$25,000 for the remaining transplantable tissue such as corneas, skin, etc., would lead to a total payment to an organ bearer's estate of about \$150,000. Discounting this amount to reflect the only about 1-in-150 chance of dying in such a fashion as to make all of these organs available results in an expected payment of about \$1,000, which when again discounted back 40 years to the time of contracting at a 4% real annual discount rate equals a present value of about \$200.



ADVOCACY IN ACTION: THE EVOLUTION OF SMU'S MOOT COURT PROGRAM

By William V. Dorsaneo III

ILLUSTRATION BY ROBERT CHAWORTH

On March 21, 1995, the first round of the fifteenth annual Jackson & Walker Moot Court Competition began with 235 first-year students competing in the single elimination tournament that is the culmination of the Moot Court program. The program and the resulting competition provide first-year law students the practical opportunity of applying legal principles to a specific fact pattern while developing both oral and written advocacy skills. As Judge Samuel B. Kent, United States District Judge for the Southern District of Texas and one of the judges of the final round, aptly pointed out, "[the competition] is, more than anything, an educational experience. There can be no education without some feedback."

Curricular Reorganization and Moot Court

The Moot Court competition has historically been the final stage of a first-year legal writing program that spanned two semesters. As the curriculum was structured until recently, the first-year Civil Procedure course also spanned two semesters. This scheduling allowed for coverage of appeals in the basic Civil Procedure course. Thus, the second semester of the first year of law school had the Legal Writing and Civil Procedure courses operating independently but in tandem, although without any active coordination.

As a result of the major reorganization of the first-year curriculum that took place three years ago, the Lawyering course¹ replaced the second semester of the Legal Writing course, and the first-year Civil Procedure course became a one-semester, first-year course of four hours. As part of the initial reorganization, the Moot Court program was appended to the Lawyering course, which required that the course accommodate itself to the needs of the Moot Court program in a way that did not appeal to the Lawyering faculty. Not long before the beginning of the Spring 1995 semester the turbulent marriage of the Moot Court program with the Lawyering course came to an end, and the faculty involved had to regroup and design a separate Moot Court program.

The Organization of the 1995 Moot Court Program

Given the structure of the current first-year curriculum, the faculty in the Moot Court program decided that a series of introductory lectures was necessary because the basic Civil Procedure course either did not cover the subject of appeals at all or gave that subject a level of coverage that would not be adequate preparation for a simulated appellate experience. As a result, the first objective of the 1995 Moot Court program was to convey civil procedure information that was neglected

in the four-hour, first-semester Civil Procedure course. The introductory lectures also provided the first-year students with basic information necessary to enable them to write briefs and to plan and present oral arguments in anticipation of the Jackson & Walker competition. Hence, in the first two and one-half weeks of the Spring 1995 semester, the entire first-year class was introduced to the following five topics:

- I. The Nature of the Appellate Court Process and System
- II. The Need for and the Manner of Preserving Complaints for Appeal
- III. The Basic Structure of the Appellate Brief (Preparation of the Statement of the Nature and Result of the Case, Points of Error, and the Factual Statement)
- IV. The Structure of the Appellate Brief (Preparation of the Brief of the Argument and the Appellee's Response)
- V. An Introduction to Oral Argument

These lectures were relatively successful in that they were generally well received by the first-year students. Indeed, it seems likely that coverage of the appellate subjects in the context of the Moot Court program and competition was superior to the former approach of covering appellate practice in the basic Civil Procedure course and in the second semester Legal Writing course. Similarly, the approach adopted probably was superior to that which had been achieved in the Lawyering course in the years when it was responsible for the Moot Court program because of difficulties encountered in coordinating the Lawyering course with the Moot Court program.

The lectures were supplemented by small-class coverage of the same topics by student instructors who served as chief justices operating under the aegis of the Moot Court Board. These student instructors, who taught the small classes over a six-week period in accordance with a series of lesson plans, received their training at a seminar conducted by the Moot Court Board. Appellate judges and civil appellate specialists provided the instruction.

The Design of the Moot Court Problem

During this same period, the Moot Court faculty and student Board members prepared the Moot Court problem to be argued by the first-year students. As devised, the problem involved claims by a patient against her ophthalmologist for damages resulting from negligence and Deceptive Trade Practices Act violations of knowing misrepresentation and breach of express warranty.² After the close of the evidence, the negligence claim was settled. The trial judge then granted a directed verdict for the doctor, concluding that either the Medical Liability and Insurance Improvement Act (MLIIA),³ the Statute of Frauds,⁴ or both, barred the patient's DTPA claims. The problem required the students to argue the applicability of the MLIIA and the Statute of Frauds, and its exceptions of partial performance and equitable estoppel, to

DTPA claims of knowing misrepresentation and breach of express warranty by a patient against her physician.⁵

The objective in preparing the problem was to present the students with a relatively realistic appellate record that would contain the types of court papers and evidence reduced to a question and answer transcript form that an appellate practitioner would normally encounter. This approach took account of the difficulty of conveying to first-year students how our system of adjudication works from the standpoint of: (1) the trier of fact's role as fact identifier and dispute resolver in the context of conflicting and potentially conflicting direct and circumstantial evidence; (2) the trial court's role as law declarer after the close of the evidence in a paradigm jury trial setting; and (3) the manner in which the law is applied to the facts in resolving the particularized aspects of the litigation controversy by the court as a matter of law or by the trier of fact as a matter of fact.⁶

The problem was also structured with a view toward bridging the gap between the first and second semesters of the student's first year of law school. As a result of the reworking of the curriculum, the first semester covers the subject of Torts, while contract law is reserved to the second semester. The Moot Court problem, therefore, was designed to encompass both basic subjects in an effort to show the students how the two subjects and the body of principled jurisprudence that each subject represents apply to a specific litigation controversy. This aspect of the problem was meant to be both jurisprudential and technical as well as very practical.

The Briefing Process and the Competition

The next step was the preparation of the so-called bench briefs by the members of the Moot Court Board. After reviewing bench briefs developed in earlier years, we decided that a better approach would be for the members of the Moot Court Board to prepare a sample or model appellant's brief for the problem as well as a sample or model appellee's brief. The reasons for this approach were basically three. First, unlike the earlier bench briefs, which were neither organized nor written from an advocate's perspective, a normal brief would have a theme and a method of organization that should make sense from the perspective of advocacy. Second, because the structure of the written advocacy in the appellate brief would strongly resemble the manner in which the case would be argued orally, the development of the model or sample briefs would aid the individual chief justices in conducting the small classes in which the oral arguments were to be designed and presented. Third, the model briefs would aid the chief justices in assisting the first-year students in their preparation of the briefs required as part of the program; assist the chief justices and the Moot Court Board in evaluating the work product of the first-year students when they turned in their briefs; and

provide the judges of the various rounds of the Jackson & Walker Moot Court Competition with a more realistic and useful set of materials during the competition itself.

The Final Round of the Competition

After two weeks and six rounds of intense competition, Mark E. Brunner and Allison Kimberly Lawter, representing the patient, faced Michelle Campbell and Bryan T. Adamson, representing the ophthalmologist, in the final round held in the law school's Karcher Auditorium. A prestigious panel of federal and state judges presided over the final argument. In addition to Judge Kent, the panel included Chief Judge Henry A. Politz and Judges Reynaldo G. Garza and Rhesa H. Barksdale of the Fifth Circuit Court of Appeals; Justice John Cornyn of the Texas Supreme Court; and Chief Judge Richard A. Schell, '75, and Judge Howell Cobb of the United States District Court for the Eastern District of Texas. The entire panel barraged the four finalists with questions ranging from specific issues concerning multiple damage awards to issues of broad public policy involving the extent of obligations and liability of health care providers in modern society. One of the more memorable moments involved Judge Garza and Bryan Adamson, when Judge Garza informed Adamson how to argue his case. Although Adamson did not adopt the judge's advice initially, he quickly saw the light:

Judge: "Your main defense is that everything that [Dr. Clearly] did wrong was negligent and you've settled that. That's what you are relying on, aren't you?"

Adamson: "I respectfully disagree."

Judge: "If I were you, I'd just keep on saying what I told you [that] you were claiming."

Adamson: "I agree."

After submission of the case, the judges retired to determine the outcome of the final round. When they returned, they critiqued and remarked on the finalists' quality of advocacy. As Judge Cobb commented, "I am amazed at the quality of the arguments [of the students]." Judge Kent agreed by stating, "it is a real treat to have people this good at this level." Judge Garza, though, probably summed it up best: "In all my 34 years [on the bench], I've judged many a moot court competition in a lot of different universities all over the United States, and I've always felt that as long as we have students like you all studying law that the law profession will not want for good advocates."

Following the judges critiques, Albon O. Head, Jr., '71, and Barbara Salyers, '93, of Jackson & Walker announced the 1995 Jackson & Walker Moot Court champions: Michelle Campbell and Bryan Adamson, with Adamson receiving the award for the best oral advocate of the round. Head and Salyers congratulated all the first-year students, and thanked those who had assisted

in making the 1995 competition a success, especially those who had judged the competition's rounds.

The Role of the Moot Court Board

As indicated above, a student organization, the Moot Court Board, runs the first-year Moot Court competition and, with faculty supervision, plays a major role in operating the entire first-year Moot Court program. The Moot Court Board has approximately twenty student members, generally 3Ls. The director of the 1994-95 Board was Rachel Hranitzky, who oversaw all elements of the program along with her assistant, Amie Dutta. Other positions on the Board included a directorship with primary responsibility for developing the Moot Court problem and drafting the bench briefs, which was headed by Tony Parsons and Julie Huang. Michelle Morgan and Ashley Weaver prepared educational materials for the chief justices and the first-year students. Other Board members recruited judges for the Jackson & Walker competition, handled public relations, developed the administration of the program, and worked on the Board's finances. It is impossible to imagine the Moot Court program without the active involvement of such dedicated students as these.



William V. Dorsaneo III is a board certified civil appellate specialist and Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law at SMU. During his twenty years at the law school, he has taught Torts, Civil Procedure, and Lawyering courses. He served as the 1994-95 faculty advisor to the Moot Court Board.

¹ "The primary objective of the [Lawyering] course is to synthesize legal doctrine, lawyering skills, and professional responsibility for the first-year student. Meeting in small groups and using simulated exercises, students engage in client counseling, interviewing, negotiating, drafting, and advocating." *SMU 1994-1995 School of Law Bulletin*.

² Deceptive Trade Practices Act, Tex. Bus. & Com. Code Ann. §§ 17.41-.63 (Vernon's 1987 & Supp. 1994).

³ Medical Liability and Insurance Improvement Act, Tex. Rev. Civ. Stat. Ann. art. 4590 (Vernon's Supp. 1994).

⁴ Statute of Frauds, Tex. Bus. & Com. Code Ann. § 26.01 (Vernon's 1987 & Supp. 1994).

⁵ *Sorokolit v. Rhodes*, 889 S.W.2d 234, 242 (Tex. 1994) (§ 12.01(a) of the MLIIA precludes a DTPA suit against a physician for negligence); *Gormley v. Stover*, 38 Tex. Sup. Ct. J. 384 (Tex. 1995) (§ 12.01(a) of the MLIIA does not bar a cause of action based on knowing misrepresentation, inasmuch as a "knowing" action is not the equivalent of a negligent one in a dentist malpractice suit); *Walden v. Jeffrey*, 38 Tex. Sup. Ct. J. 374 (Tex. 1995) (a patient's § 12.01(a) MLIIA claim that her dentist knowingly misrepresented he would provide her with properly fitting dentures was no more than a negligence claim).

⁶ Henry M. Hart, Jr. & Albert M. Sacks, *The Legal Process: Basic Problems in the Making and Application of Law* 344 (1994).



A.J. Thomas, Jr.

A.J. THOMAS, JR., FACULTY COMMONS

On April 20, 1995, Ann Van Wynen Thomas, wife and intellectual partner of the late A.J. Thomas, Jr., and Felix H.T. Tsai, '78, president of the SMU Alumni Association of the Republic of China, unveiled a plaque commemorating the opening of the A.J. Thomas Faculty Commons on the first floor of Storey Hall.

The unveiling was preceded by a luncheon in the Dean's Suite honoring Ann Thomas, Felix Tsai, and the many friends and colleagues of A.J. Thomas. The plaque reads: "The SMU School of Law recognizes with deepest gratitude the gift of [the] SMU Alumni Association R.O.C. that has created this space as a memorial to Aaron Joshua Thomas, Jr., 1918-1982, who helped to establish the Graduate School of American and Foreign Law, who was a member of the faculty from 1947-1982, who served as Dean Ad Interim, and who, above all, was a scholar and a teacher and a friend." The plaque recognizes the donors of the gift: Felix H.T. Tsai, J.D. '78; Derek N.S. Cheng, M.C.L. '80; Dr. Chun Li, LL.M. '56; Jen Kong Loh, M.C.L. '59; Henry G.R. Kwei, M.C.L. '66; Horng-Jyn Lin,

M.S.E.E. '85; Ya-Wen Chiu, M.C.L. '70; Tai-Wei Soong, Ph.D. '90.

As the plaque notes, A.J. Thomas was a scholar, a teacher, and a friend. *The Brief* honors his memory in the words of Ann and A.J.—coauthors of 12 books and numerous articles—and of his colleagues, his students, and his friends.

"These then are the attributes of a true rule of law: a society or community consensus seeking to secure justice—that which is felt to be right, reasonable, and proportionate for a particular time and

place; and order which requires continuity, certainty, consistency—a balance between rights and duties, effectiveness and restraint on power, plus the ability to meet changing conditions." **Ann Van Wynen Thomas and A.J. Thomas, Jr.,** *A World Rule of Law: Prospects and Problems* 8 (1975).

"Many of the problems now faced by the inter-American community are new; others have been with us for a long time. The solution of both old and new problems must take into account the interests not only of one country or one group of countries but of the whole inter-American community." **Ann Van Wynen Thomas and A.J. Thomas, Jr.,** *The Organization of American States* vii (1963).

"The minds of men soon realized that the conquest of the air had changed the geographical and political picture of the world. The speed of air transportation links the great centers of the world together in terms of hours. The physical barriers of the earth's surface and the political barriers of man's making become of little significance to transportation by air." **A.J. Thomas, Jr.,** *Economic Regulation of Scheduled Air Transport—National and International* iii (1951).

"Unless you have a rudimentary idea of what other people, from different countries, are talking about, you are going to mess everything up."

"You will never have world peace without understanding. If I can contribute to this, my life will be worthwhile."

"I have had the greatest satisfaction in my life dealing with the foreign students." **A.J. Thomas, Jr.,** quoted by **Ann Van Wynen Thomas,** *Dedication Ceremony, 1995.*

"You will never have world peace without understanding."

If I can contribute to this, my life will be worthwhile."

A.J. Thomas, Jr.



Felix Tsai, Ann Thomas, and Paul Rogers looking at a partial collection of the Thomases' writings.

"A.J. was truly a citizen of the world and a gentleman in the true sense of the term. He had a special partnership with Ann—what a special team they were. They touched so many lives in such positive ways. There is a worldwide network of Thomas students." **C. Paul Rogers III, Dedication Ceremony, 1995.**

"A.J. is a very important part of our memory of SMU. As foreign student adviser he became a very close friend to many foreign students. He helped us to settle down at SMU. We honor his memory." **Felix H.T. Tsai, Dedication Ceremony, 1995**

"He was, quite frankly, a beloved teacher, one whose magic in the classroom left its mark indelibly on the minds and spirits of his students year after year. He was a strong teacher, who maintained high academic standards and demanded much of his students, while gaining their affection and their respect. Like all of us here, his students sensed his concern for them as people. They sensed, merely by being in his presence, his great humanity and his very special spirit. . . . But he was not the scholar as a recluse, but rather the scholar, if I may say, as 'Bon Vivant.' For he truly had a love of people and a love of life. . . . His international perspective, his cosmopolitan view has left its mark indelibly on the School of Law [and] on hundreds of foreign graduates around the world." **Jeswald W. Salacuse, Memorial Service, 1982.**

"The inseparability of the scholarship of A.J. and Ann has always been a source of pride for the Law School and the University. . . . They seem almost to intuit one another's style and concepts so that the final product is one integrated unitary whole which melds together their special and distinctive talents. In the academic world we say that their works have that quality of theoretical research which pushes the frontiers of knowledge beyond their present state." **Charles O. Calvin, Memorial Service, 1982.**



A.J. Thomas, Jr.

"Knowing him, I reckon, must have been like knowing Socrates, or Seneca, talking to Thoreau or Learned Hand: the straight honest wisdom that took events into regard but knew the basic truth of human nature, of humanity, of human hopes but subsequent reality. He never blinked reality." **Marshall Terry, Memorial Service, 1982.**

FOUR RECEIVE TENURE

Professors **Gail M. Daly**, **Jane L. Dolkart**, **Julia P. Forrester**, and **Christopher H. Hanna**, all of whom joined the SMU law faculty in 1990, have been awarded tenure. Daly, Forrester, and Hanna are promoted to associate professor of law, a rank Dolkart already holds. Daly, director of the Underwood Law

Forrester, who is also the newly appointed associate dean for academic affairs, received the degrees of B.S.E.E. and J.D. from the University of Texas at Austin. Prior to joining the SMU law faculty she was a real estate attorney with the Dallas firm of Thompson & Knight. She specializes in property, real estate transactions, and land use law, and has published articles on real estate finance.

Hanna has a B.S. and J.D. from the University of Florida and an LL.M. (in Taxation) from New York University. Before coming to SMU he was a tax lawyer with Steptoe & Johnson in Washington, D.C. He teaches



Daly



Dolkart



Forrester



Hanna

Library, has a B.A. and M.A. from the University of Michigan, and a J.D. from the University of Minnesota. Before coming to SMU Daly was a law librarian at the University of Minnesota and a visiting associate for law with the Research Libraries Group at Stanford University. She teaches advanced legal research and copyright.

Dolkart, who teaches in the areas of civil procedure and labor and employment law, has a B.A. from Mount Holyoke College, a J.D. from Columbia University, and an LL.M. from Georgetown University. After receiving her LL.M. degree Dolkart taught at Catholic University Law School for four years. She also taught at the University of North Carolina School of Law, served as a senior staff attorney with the Federal Trade Commission, and was an assistant general counsel with the Equal Employment Opportunity Commission. Following government service she became a principal of Dolkart & Einstein in Washington, D.C. She won the 1988 Women's Legal Defense Fund Volunteer of the Year Award. Dolkart is an associate editor of *NAFTA: Law and Business Review of the Americas*, edited at the law school.

tax accounting, partnership taxation, advanced corporate taxation, international taxation, and federal income taxation, and as noted elsewhere in these pages has twice received the Dr. Don M. Smart Teaching Award. Hanna is the director of the law school's new Center for Pacific Rim Legal Studies and has recently taken over as administrative director of the Academy of International Taxation in Taipei, Taiwan, a program co-sponsored by SMU School of Law and the Ministry of Finance of the Republic of China. In addition, he is an associate editor of two law school based journals, *The International Lawyer* and *NAFTA: Law and Business Review of the Americas*, and a contributing editor of *Regulation of International Taxation* of the American Society of International Law. Hanna was recently featured in *Barrister* magazine (a publication of the ABA Young Lawyers Division) as one of "Twenty-One Young Lawyers Leading Us Into the Twenty-First Century."

NEW FACULTY FELLOWS ANNOUNCED

Dean Paul Rogers has announced three faculty fellow appointments—two of them newly created. **William V. Dorsaneo III** becomes the **Chief Justice John and Lena Hickman Distinguished Faculty Fellow**; **Joseph J. Norton** is now the **James L. Walsh Distinguished Faculty Fellow in Financial Institutions**; and **Harvey Wingo** succeeds Howard J. Taubenfeld as the **Vinson & Elkins Distinguished Teaching Fellow**.

The Hickman fellowship derives from a bequest to the School of Law by Mrs. Lena P. Hickman, widow of the late Texas Chief Justice John E. Hickman. Mrs. Hickman passed away last year at the age of 100. Chief Justice Hickman became an associate justice of the Texas Supreme Court in 1945. He was appointed chief justice of the court in 1948, retiring 12 years later. Justice Hickman served for many years as a member of the SMU board of trustees. He died in 1962. Professor Dorsaneo, the first fellowship recipient, is an expert in civil trial and appellate practice and litigation. He is the principal author of the 20-volume *Texas Litigation Guide* and the co-author of the 5-volume *Texas Civil Trial Guide*. He has written additional books on Texas litigation and numerous articles on tort law, insurance law, and civil procedure. He is a member of the Advisory Committee to the Texas Supreme Court, the Committee on Court Rules of the State Bar of Texas, and the American Law Institute, and chairs the Texas Supreme Court's Task Force for Revision of the Texas Rules of Civil Procedure.

Funding for the Walsh fellowship comes from the bequest of **James L. Walsh**, '33. Following his graduation from SMU School of Law, Walsh practiced law in Dallas, becoming general counsel of the Southwestern Life Insurance Company. A member of the Knights of the Holy Sepulcher and St. Thomas Aquinas Parish, he was an active participant in many Catholic organizations. He died in 1992 at the age of 83. Professor Norton, first recipient of the fellowship, teaches domestic and international business- and banking-related courses. Most recently he has held a dual appointment as the Sir John Lubbock Professor of Banking Law at the Centre for Commercial Law Studies, University of London. He is a senior research fellow at the Institute of European Finance (U.K.), the chief law examiner of the University of Hong Kong, a member of the American Law Institute, executive director of the London Institute of International Banking, Finance and Development Law, and director of SMU's continuing legal education institutes on banking law and commercial lending. Norton is author or editor of more than 25 treatises and has written more than 80 articles, chapters, and research monographs on domestic and international business and banking matters.

Wingo teaches courses in constitutional law, constitutional criminal procedure, criminal law, and mental conditions and criminal liability. One of the outstanding teachers among the faculty, he received the Dr. Don M. Smart Teaching Award in 1982 and again in 1992. Wingo served the law school as associate dean for academic affairs from 1975 to 1977 and from 1986 to 1988 and as dean *ad interim* during the summer of 1986. He has published a number of law review articles, primarily in the areas of constitutional law and constitutional criminal procedure.



Dorsaneo



Norton



Wingo

The Vinson & Elkins fellowship was dedicated in 1991 by the law firm of Vinson & Elkins to support excellence in teaching at the law school. Professor Wingo teaches courses in constitutional law, constitutional criminal procedure, criminal law, and mental conditions and criminal liability. One of the outstanding teachers among the faculty, he received the Dr. Don M. Smart Teaching Award in 1982 and again in 1992. Wingo served the law school as associate dean for academic affairs from 1975 to 1977 and from 1986 to 1988 and as dean *ad interim* during the summer of 1986. He has published a number of law review articles, primarily in the areas of constitutional law and constitutional criminal procedure.



Hanna

TEACHING EXCELLENCE RECOGNIZED

Associate Professor **Christopher**

H. Hanna received the 1994-95

Dr. Don M. Smart Teaching

Award. The annual award

(which Hanna first won in 1992-93) was established by

Dr. **Don M. Smart**, '65. It goes to

the full-time faculty member

determined by a vote of the

student body to be the most effective classroom instructor

in the law school for the

academic year. Hanna, who

received tenure in the spring,

joined the faculty in 1990.

He teaches in the field of

taxation.

FACULTY APPOINTMENTS

The School of Law has made the following new faculty appointments: To teach in the Civil Clinic, **Mary Spector**, Assistant Professor of Law, B.A., 1979, Simmons College, J.D., 1986, Benjamin N. Cardozo School of Law. Following law school, Spector was a law clerk to Judge Jerry Buchmeyer of the U.S. District Court for the Northern District of Texas. She has practiced law in Dallas, representing corporations and individuals in state and federal trial courts and arbitration. She has also served as a supervising attorney with the SMU Legal Clinic and as a field instructor with the SMU/Legal Services of North Texas externship program.

To teach in the Criminal Clinic, **David Tarbert**, Assistant Professor of Law, B.A. in Sociology, 1983, Duke University, M.A. in Sociology, 1987, J.D., 1987, University of Florida, LL.M. in Legal Education, 1994, Temple University. Tarbert was the Abraham L. Freedman Teaching Fellow and a lecturer in law at Temple Law School from 1992 to 1994. Prior to that time he served as an assistant public defender for the Eighth Judicial Circuit of Florida. Immediately before coming to SMU he was a visiting clinical professor at Florida State University College of Law, Children's Advocacy Center.

To teach in the Immigration Law Clinic, **Margaret A. Donnelly**, Visiting Assistant Professor of Law, B.A. in Latin American Studies, 1971, J.D., 1976, University of Texas at Austin. Upon graduating from law school, Donnelly joined the Appeals Division of the Texas Employment Commission. For the past four years she has been a solo practitioner in Dallas specializing in international law and immigration and nationality law. In the latter area she is certified by the Texas Board of Legal Specialization.

To teach in the area of international business, **Helen E. Hartnell**, Visiting Associate

Professor of Law, B.S. 1976, University of Illinois at Champaign-Urbana, J.D., 1980, University of Illinois College of Law. For two years after graduation Hartnell studied and taught in Germany, after which she practiced as an attorney with Gleiss, Lutz, Hootz, Hirsch & Partner in Stuttgart, Germany. From 1988 to 1992 Hartnell was an associate professor of law at Tulane Law School. Most recently she has been a member of the faculty of law of the Central European University and of ELTE University, both in Budapest, Hungary, as well as a lecturer at the Moscow Academy of Innovative Management.

To teach in the areas of European and comparative competition law, **Denis J. Edwards**, Visiting Assistant Professor of Law, LL.B., 1987, University of Glasgow, LL.M., 1989, Osgoode Hall. Edwards, who first visited at the law school in the fall of 1994, has been a visiting lecturer at Tulane University School of Law and a visiting lecturer in law at Jagellonian University, Poland, and the University of Frankfurt, Germany.

To teach in the fields of contracts and family law, **Gilbert A. Holmes**, Visiting Associate Professor of Law, B.A., 1969, Bucknell University, J.D. 1972, New York University School of Law. Following graduation Holmes received a Reginald Heber Smith Community Law Fellowship and was assigned as a staff attorney to Community Action for Legal Services in New York City. From 1974 to 1990 he practiced law in New York City, for 10 of those years as a solo practitioner. In 1990 he joined the faculty of Seton Hall University Law School as an associate professor of law. Holmes is extending his stay at the law school, having been a visiting professor during the Spring 1995 semester.

NEW ASSOCIATE DEANS FOR ACADEMIC AFFAIRS AND CLINICAL EDUCATION

Associate Professor **Julia P. Forrester** is the law school's new associate dean for academic affairs. She succeeds Associate Professor Thomas Wm. Mayo in the position. Forrester, who at the end of the 1994-95 academic year was granted tenure and promoted to associate professor of law, assumed her duties this August. She is responsible for the traditional associate dean functions of curriculum planning, scheduling, and student academic problems. In addition, she is the school's primary contact with the adjunct faculty.



Forrester

Professor **Roark M. Reed** will serve as associate dean for clinical education for the 1995-96 academic year, a position he previously held from 1983 to 1988. Reed, who co-directs the Criminal Clinic, teaches primarily in the areas of criminal procedure and litigation. He also teaches a course on expert testimony offered jointly with the University of Texas, Southwestern Graduate School of Biomedical Sciences, and a course on the Japanese legal system. Before joining the SMU faculty he was a staff attorney for the Public Defender Service for the District of Columbia and director of the Criminal Justice Clinic, Maryland Division, at Georgetown University Law Center.



Reed

NEW DIRECTORS FOR CAREER SERVICES AND THE PUBLIC SERVICE PROGRAM

Two administrative appointments occurred this summer. **Anthony L. Bastone II** is the new director of career services.

Rebecca Garza Greenan takes over as director of the Public Service Program.

Bastone comes to SMU with 17 years' experience in the law school career services field, first at the University of Tulsa College of Law, then at Golden Gate University School of Law, and most recently at the University of Washington School of Law in Seattle. He holds a Bachelor of Science in Education degree from Northeastern State University in Tahlequah, Oklahoma, and a Master of Arts in Criminology and Corrections from the Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston State University in Huntsville.

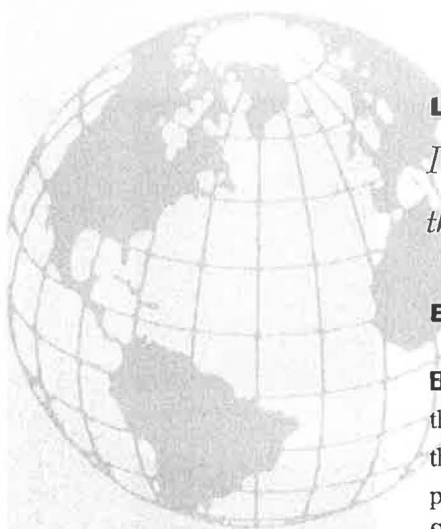
Greenan left her position as director of the Private Attorney Involvement Project with Legal Services of North Texas to join the law

school. She has also served as the public service project coordinator for Haynes and Boone, and before that as a staff attorney with Legal Services of North Texas. Greenan graduated from South Dakota State University with a Bachelor of Arts in Spanish and a Bachelor of Science in Child Development. She earned her J.D. from the University of Minnesota Law School and has a Master of Education degree from South Dakota State University.

Former director of the Public Service Program Renee Rivers is now associate director of SMU's new Maguire Center for Ethics and Public Responsibility while she continues her Master of Theological Studies program at the Perkins School of Theology.

DIRECTOR OF TAX CLINIC INTERVIEWED BY CONNIE CHUNG

Bruce B. Hart, director of the law school's Federal Taxpayers Clinic, was interviewed for "Eye to Eye" with Connie Chung on the subject of joint tax liability between spouses. The segment, which aired on the show in April, included scenes of the SMU campus and of Hart's tax seminar.



LAW SCHOOL FACULTY HAVE A GLOBAL REACH

International travel to 15 countries had the law school faculty on the move this spring and summer.

England

Elizabeth G. Thornburg and **Linda S. Eads** headed the SMU in Oxford summer school program this year. **Joseph W. McKnight** lent his inimitable presence to the program by introducing the SMU students to law courts in Oxford and London as well as the Inns of Court in London. While in England McKnight traveled to

of London) and **Ndiva Kofele-Kale** also participated in the conference at the EBRD, Kofele-Kale presenting a paper on "A Submerged Challenge: Economic Spoliation and the Role of Multi-lateral Lending Agencies." **Peter Winship**, in London at the same time, substituted for Norton in the University of London LL.M. program on



Kofele-Kale



Thornburg



Eads



Steinberg



Winn

Austria

Ndiva Kofele-Kale accompanied a team of three SMU School of Law students to the Second Annual Willem C. Vis International Commercial Arbitration Moot Court Competition in Vienna. **Peter Winship** went to Vienna as a U.S. national correspondent and adviser to the U.S. delegation to UNCITRAL at its annual session. He also presented the U.S. position on the proposed UNCITRAL project on assignment in receivables financing.

Durham to attend the Twelfth British Legal History Conference and to London for a meeting of the Selden Society, founded in 1887 "To encourage the study and advance the knowledge of the History of English Law."

Joseph J. Norton conducted a one-week training conference for a group of Russian bankers; directed the 14th annual London Summer School on International Banking; presented a paper on developments in U.S. liability law to an Interforum banking conference; and participated in the annual International Banking School at Cambridge University. In his capacity as the Sir John Lubbock Professor of Banking Law at the University of London, Norton delivered a series of lectures on banking law at the university. In addition, he served as co-director of an invitation only conference of financial law experts held at the European Bank for Reconstruction and Development, presenting a paper on "Transplantations of Economic Laws." **Marc Steinberg** (a visiting professorial fellow at the University

international trade law, delivering a four-hour lecture on the international sales convention at Queen Mary and Westfield College.

Greece

Ndiva Kofele-Kale traveled to Thessaloniki to present a paper on "The Right to Equality for Undocumented Foreign Workers: Equal Treatment for Equals, Unequal Treatment for Unequals," at an international interdisciplinary conference on political, social, and economic racism to commemorate the 50th anniversary of the United Nations. The conference was jointly organized by the Department of Law of Aristotle University of Thessaloniki, the University of Macedonia, the Department of Law of Democritus University of Thrace, the General Secretariat of Youth in the Greek Ministry of Education, and the Greek National Committee for the United Nations 50th Anniversary.

France

Jane Kaufman Winn spent June in Paris studying the operation of France's special jurisdiction commercial law courts, the *Tribunaux de Commerce*. Winn, who lived in France for two years as a college student, took French classes at SMU's Dedman College all last year to perfect her French and enable her to conduct interviews and research legal materials in that language. A William Hawley Atwell Faculty Summer Research grant financed the trip.

Germany

Ndiva Kofele-Kale attended a conference on Guest Workers in Europe jointly organized by the Justus-Liebig Universität and Phillips-Universität Marburg in Giessen.

South Africa

Marc I. Steinberg traveled to South Africa as a visiting scholar at the law schools of the University of Witwatersrand, Rand Afrikaans University, the University of Cape Town, and the University of Stellenbosch. While there, he spoke before the International Law Society of South Africa on emerging securities markets.

Joseph J. Norton visited South Africa, at the request of the government's educational authorities, to evaluate the development of banking and finance law in southern Africa.

Venezuela

Margaret A. Donnelly met with officials of the Caracas-based School of Law of the Catholic University "Andres Bello" to promote SMU's graduate international program and explore a possible exchange link between the two law schools. Donnelly also met with the coordinator of the Health Care Decentralization Project, partly funded by the World Bank, to explore avenues by which SMU School of Law could participate in the law reform phase of the project.



Czech Republic, Latvia, Lithuania

Peter Winship served as a faculty member (above, second from left) at a 2-day training workshop in the Czech Republic on international sale of goods contracts. The ABA Central and East European Law Initiative (CEELI) sponsored the workshop in conjunction with the Czech Bar Association. Winship lectured for three days in Riga, Latvia, on trade finance at a program sponsored by the U.S. Department of Commerce's Commercial Law Development Program. He also lectured in Lithuania on the U.N. Convention on Bills of Exchange and the just-completed U.N. Text on Independent Guarantees and Stand-by Letters of Credit. The five-day program in Lithuania was sponsored by the International Development Law Institute, a multi-governmental institute established in Rome.

Canada

Howard J. Taubenfeld attended two conferences in Canada. The first, the annual conference of the Association of Family and Conciliation Courts, held in Montreal and Quebec, addressed Gender Issues in Family Law. The second, the 27th biennial conference on the Law of the World, sponsored by the World Jurist Association, took place in Montreal. Taubenfeld presented a paper to a panel on legal education.

Taiwan

Christopher H. Hanna was in Taipei in his capacity as administrative director of the Academy of International Taxation, a program co-sponsored by SMU School of Law and the Ministry of Finance of the Republic of China. (Hanna takes over this position from Henry J. Lischer, Jr., the program's administrative director since its inception in 1984.) **Jane Kaufman Winn** again traveled to Taiwan, which she has visited five times in the past 10 years, to update her research on the role of the legal profession in Taiwan's recent transition to democracy. To better prepare herself for her research, Winn, who has studied Chinese for the past 10 years, attended an intensive nine-week Chinese program at Indiana University last summer. Winn notes with gratitude the many SMU law school graduates in Taiwan who assisted her in her research.

TRAVEL (continued)

Japan

C. Paul Rogers III, **Christopher H. Hanna**, and **Marc I. Steinberg** visited Tokyo in July. There they hosted an alumni reception for SMU law graduates in Japan. They met with the faculty of law at the University of Tokyo and Meiji Gakuin University, and with the executives of several multinational corporations in Tokyo, including Toshiba Corporation and Sumitomo Chemical Corporation. In addition, they visited the Supreme Court of Japan (of which two SMU law school graduates are justices and one the administrator of the court) and the Legal Training and Research Institute. Finally, they met with U.S. Ambassador to Japan Walter F. Mondale. **Jane Kaufman Winn** was invited to Tokyo to attend the annual meeting of the Research Committee on the Sociology of Law of the International Sociological Association. At the meeting she participated in a panel on lawyers and legal procedures for business and gave a paper on the impact of liberalization on attorney-client relations in Taiwan. Winn's trip to Taipei and Tokyo was funded by a grant from the SMU University Research Council.

Thailand

Following their visit to Japan, **C. Paul Rogers III** and **Christopher H. Hanna** traveled to Bangkok. There they hosted a reception for the law school's almost 70 graduates and met with law faculties, corporations, and law firms in the city.

Hong Kong

Joseph J. Norton delivered the opening remarks at a conference on Future Prospects for Hong Kong as an International Financial Center honoring the 25th anniversary of the Faculty of Law of the University of Hong Kong. Later he conducted two weeks of lectures for the Duke Law School Summer Program in Hong Kong.

UNDERWOOD LAW LIBRARY'S SIFUENTES-MARTINEZ WINS AWARD

Senior Reference Librarian **Ana M. Sifuentes-Martinez** was honored with the Outstanding Achievement Award at the annual SMU Library Staff Awards Ceremony. In reporting the award, Underwood Law Library Director Gail M. Daly noted that Sifuentes-Martinez was cited for "her many contributions to the library profession, the improvements she has instituted in our Interlibrary Loan service, her teaching responsibilities, and the excellent reference service she provides all library patrons." As a tangible symbol of the award, a round-trip American Airlines ticket will take Sifuentes-Martinez to any destination of her choice.



Sifuentes-Martinez

LAW SCHOOL CO-SPONSORS INTERNATIONAL LAW INSTITUTE PROGRAM

SMU School of Law has agreed to become a co-sponsor of an International Law Institute orientation program for foreign law graduates who are beginning their legal studies in universities across the United States. One SMU law school faculty member will become a member of an advisory committee reviewing the program annually, and each year at least one SMU law faculty member will be invited to teach in the program. This summer Professor **Peter Winship** taught the contracts segment of the course.

CONFERENCES AND WORKSHOPS DRAW LAW SCHOOL FACULTY

The School of Law continues to add to its national exposure through the presence of faculty at recent workshops and conferences across the country. To highlight a few:

Timothy Davis presented a paper on "The Role of African Americans in College Sports: An Historical Perspective" at the University of Pennsylvania's "African American Men: A Symposium," in Philadelphia. **George A. Martinez** and visiting faculty member **Gilbert A. Holmes** participated in the Mid-Atlantic People of Color Legal Scholarship Conference's first annual meeting, sponsored by Howard University's Charles H. Houston Hall School of Law in Washington, D.C. Martinez presented a paper at a panel discussion on "Wealth Disparity, Housing Patterns and Inner City Education: Making Sense of Brown's 'Equal Educational Opportunity'"; Holmes moderated a panel discussion on "Teaching Family Law in a Pluralist Society." **Henry J. Lischer, Jr.**, spoke at an AALS Mini-Workshop on the Uses of Technology in Research and Teaching at the AALS 1995 annual meeting in New Orleans.

Daniel W. Shuman gave several speeches: "Inference and Opinion in Scientific Testimony" to the American Academy of Forensic Sciences in Seattle; "The Legal and Ethical Regulation of Mental Health Professionals Who Provide Therapy and Forensic Assessment," to the King County, Washington, Bar Association, in Seattle; "Conflicting Roles of the Treating and Forensic Psychiatrist" to the American College of Forensic Psychiatry in San Francisco; and "When Time Does Not Heal, the Impact of Delay in Tort" to the Fifth International Conference in Social Justice Research in Reno, Nevada. In addition, Shuman was an invited participant and discussant at the National Invitational Conference on Education and Training in Law and Psychology in Philadelphia. **Howard J. Taubenfeld** discussed Texas weather modification law at a day-long workshop in Lubbock on the potential effects of precipitation enhancement to augment the fresh water supplies of the Texas high plains. The workshop was sponsored by the High Plains Underground Water Conservation District No. 1.



Davis



Martinez

MAYO APPOINTED TO TASK FORCE ON END OF LIFE ISSUES



Mayo

Thomas Wm. Mayo has been appointed to the Texas Department of Health's Task Force on End of Life Issues in Long Term Care Settings. Says Mayo: "The purpose of the task force is to draft and sponsor legislative changes and to promote provider and patient/family education about death and dying and related choices in the long-term care setting. Specifically, many nursing homes refuse to let patients die in their facilities, which usually leads to unnecessary, burdensome, and costly transfers to

hospital emergency rooms and heroic efforts to revive the patient, which—if successful—lead to transfer back to the nursing home and a repeat episode weeks or months later."

Mayo points out that "many homes resist the use of advance directives and 'do not resuscitate' orders by talking patients and family members out of such measures."

FACULTY PUBLICATION

Julia P. Forrester, Associate Professor of Law, received the John Minor Wisdom award for academic excellence in legal scholarship, given to the author of the best article in each volume of the *Tulane Law Review*, for "Mortgaging the American Dream: A Critical Evaluation of the Federal Government's Promotion of Home Equity Financing," 69 *Tulane Law Review* 373 (1994). An adaptation of Forrester's article is the lead essay in this issue of *The Brief*.

Maureen N. Armour, Assistant Professor of Law: "A Nursing Home's Good Faith Duty 'To' Care: Redefining a Fragile Relationship Using the Law of Contract," 39 *St. Louis University Law Journal* 217 (1994).

Alan R. Bromberg, University Distinguished Professor of Law: "Broker Dealer Supervision: A Troublesome Area," 25 *Seton Hall Law Review* 527 (1994) (with Lewis D. Lowenfels).

Beverly May Carl, Professor Emerita of Law: Review of Henry S. Dahl, *Law Dictionary/Diccionario Juridico*, 18 *Fordham International Law Journal* 1069 (1995).

Timothy Davis, Associate Professor of Law: "The Myth of the Superspade: The Persistence of Racism in College Athletics," 22 *Fordham Urban Law Journal* 615 (1995).

Jeffrey M. Gaba, Professor of Law: Update 4 to *The Law of Solid Waste, Pollution Prevention and Recycling*; "Environmental Impact on Lending—Practices in the United States," in *Environmental Liability for Banks* (1995) (co-editor with **Joseph J. Norton**, Professor of Law).

Ndiva Kofele-Kale, Associate Professor of Law: *International Law of Responsibility for Economic Crimes* (Kluwer Law Int'l 1995).

Henry J. Lischer, Professor of Law: Volumes 11, 11A, 11B of *West's Texas Forms* (2d ed.) and the 1994 pocket parts to volumes 16, 17, and 18 of *West's Legal Forms, Estate Planning* (both with **Donald J. Malouf**, '62) (corrected from *The Quad*, Spring 1995).

John S. Lowe, George W. Hutchison Professor of Energy Law: *Oil and Gas Law in a Nutshell* (3d ed. 1995); 1995 supplements to *Summers Law of Oil and Gas*.

Charles J. Morris, Professor Emeritus of Law: "Déjà Vu and 8(a)(2)—What's Really Being Chilled by Electromotion?" 4 *Cornell Journal of Law and Public Policy* 25 (1994); "Section 8(a)(2) and the Perception of Reality," *Dialogues*, Feb. 1995, at 3.

John L. Mylan, Professor of Law: 1995-1 semi-annual supplement to *Federal Taxation of Close Corporations*.

Joseph J. Norton, Professor of Law: Co-editor, *Environmental Liability for Banks* (1995); co-editor, *International Asset Securitization* (1995); "A Decade of U.S. Lender Liability in Perspective," in *Banks and Remedies* (2d ed., Ross Cranston ed., 1995); "The International Dimensions of EU Banking Law," in *The Single Market and the Law of Banking* (2d ed. 1995); "Law and Economic Development in the Emerging C.E.E. Economies: The Case of Securities Regulation—A New Frontier of Challenges for Applied Comparative Law Methodology," in *Democracy, Market Economy, and the Law: Legal, Economic, and Political Problems of Transition to Democracy* (Werner F. Ebke & Detlev F. Vagts eds., 1995); "External and Internal Crossroads for Banking Supervision in Southern Africa," *Journal of South African Law* (Spring/Summer 1995); "Trends in International Banking and the Basle Committee on Banking Supervision," *Consumer Law Quarterly Review* (Spring 1995); 1995 supplements to *Commercial Loan Documentation Guide* and *Commercial Finance Guide*.

Walter W. Steele, Jr., Professor of Law, and **Elizabeth G. Thornburg**, Associate Professor of Law: "Jury Instructions: A Persistent Failure to Communicate," in *Courts and Justice: A Reader* (G. Larry Mays & Peter R. Gregware eds., 1995) (first published in 67 *North Carolina Law Review* 77 (1988)).

Marc I. Steinberg, Rupert and Lillian Radford Professor of Law: "Regulation S and Rule 144A: Creating a Workable Fiction in an Expanding Global Securities Market," 29 *The International Lawyer* 43 (1995) (with **Daryl L. Landsdale, Jr.**, '92); "The Ramifications of Recent U.S. Supreme Court Decisions on Federal and State Security Regulations," 70 *Notre Dame Law Review* 489 (1995).

VOLUNTEERING IN THE COMMUNITY

Forget the stereotype of the student in law school there only to get a law degree and earn a large salary. Not only do SMU law students have to complete 30 hours of uncompensated law-related public service in order to graduate; they can also earn academic credit while representing low-income clients through the school's clinics and through a new externship program. And beyond these curricular activities, they voluntarily engage in other community endeavors such as the Dallas School Kids Project and Habitat for Humanity.

Citizenship in Action

Beginning in the Spring 1996 semester, SMU law students can receive public service credit by becoming involved in a law-related education program tied to the Dallas Public Schools' current fifth grade social studies curriculum. Twenty students, working in pairs, will visit selected Dallas public schools for three weekly class sessions designed to provide fifth graders with the knowledge, skills, and attitudes necessary for them to develop into active and responsible members of society. Using interactive methods such as small group exercises, simulations, and case studies, each pair of law students will team teach the three-part series to two different classrooms, for a total of 20 participating classes.

The law students will receive formal training prior to their classroom involvement. Once in the classroom they will be expected to work closely with the cooperating teacher, who will be present throughout the sessions. Discussions will center on topics of practical relevance to daily life and will encompass the structure of the American legal system and the principles underlying the Bill of Rights; respect for property and persons; and application of these subjects in a culminating mock trial.

Law-related education has been extremely successful in communities nationwide. In developing its program, the SMU School of Law has drawn on the several years' experience of the University of Pennsylvania School of

Law and on existing citizenship initiatives by the Dallas Bar Association. In addition, SMU's Black Law Student Association, Hispanic Law Student Association, and Women in Law have assured the school of a broad base of student support for the program.

Legal Services of North Texas Extern Program

Legal Services of North Texas and SMU School of Law have developed an extern program that will enable as many as 15 second- and third-year students each semester to earn academic credit while they work under the supervision of LSNT staff attorneys representing low-income clients in family, benefits, housing, consumer, and employment matters. Staff attorneys will be encouraged to assign students projects that mirror their own caseloads and to work closely with students to provide feedback and direction. As a result, the externs will participate in all aspects of the LSNT procedures from intake, through staffing, strategy sessions, research, fact investigation, discovery, briefing, and advocacy. Externs will also be required to attend formal classes during which they will explore some of the ethical, legal, and practical aspects of their field work. As the program will enable students to practice skills and knowledge gained through the traditional law school curriculum, so it will increase LSNT's capacity to provide legal services for low-income residents in five north Texas counties.

Twenty students, working in pairs, will visit selected Dallas public schools for three weekly class sessions designed to provide fifth graders with the knowledge, skills, and attitudes necessary for them to develop into active and responsible members of society.



**Did Jack murder the giant?
Maybe yes; maybe no.**

*"It really gave us
a good chance
to give
something back
to the Dallas
community."*



Habitat for Humanity volunteers saved the renovation project \$20,000

Did Jack Murder the Giant?

The story of Jack and the Beanstalk provided the grist for 30 gifted third-graders to debate whether Jack was guilty of murdering the giant when he chopped down the beanstalk. The students from James Bonham and J.W. Ray elementary schools just north of downtown Dallas honed their analytical and debating skills with the help of about 10 SMU law students who worked with them for an hour once a week for three weeks leading up to a mock trial in Karcher Auditorium involving teams from both schools.

The Dallas School Kids Project was coordinated through the law school's Board of Advocates by **Lisa M. Hagenauer**, '95, and **Cynthia Pertile**, '95. Their goal was to develop the children's verbal communication and listening skills through the medium of familiar fairy tales. By using a mock trial format the children were obliged to stand and speak clearly and intelligently. They also had to listen carefully to their opponents in order to be able to counter their arguments. SMU's Assistant Professor of Law **Maureen M. Armour** served as judge for the trial, asking the protagonists questions and

coaching them on correct courtroom procedure. Commented Hagenauer, "the kids are amazingly bright and funny. Many are also in great need of positive role models. All who participated found the experience really rewarding."

Habitat for Humanity

Last February 30 SMU law students volunteered their muscle to sledgehammer their way through the guts of a 1920s era building on Colorado Boulevard in south Dallas that was to be renovated into apartments for people with AIDS. These volunteers for Dallas Habitat for Humanity not only found themselves a vigorous outlet for aggressions or frustrations, they saved the renovation project \$20,000—the amount a professional demolition company had bid to do the same job. Second-year SMU law student **Lisa M. Haines**, who coordinated the project, noted that they were motivated not only by the specific goal of helping people with AIDS but because "it really gave us a good chance to give something back to the Dallas community."

MOOT COURT, MOCK TRIAL COMPETITIONS SHARPEN LITIGATION SKILLS

Moot court and mock trial activities are an integral part of the legal education program of the SMU School of Law. Students are provided opportunities to participate in a variety of oral and written competitions that sharpen appellate advocacy and courtroom litigation skills including the ability to prepare briefs and other trial and litigation related materials.

The SMU Board of Advocates is the umbrella student organization that oversees the law school's trial and appellate advocacy organizations: the Moot Court Board, the Mock Trial Board, and the Interscholastic Competition Board. The Board of Advocates' administrative committee promotes development of the law school advocacy programs and publicizes and coordinates the activities of the various advocacy organizations.

The Moot Court Board, sponsored by **Jackson & Walker**, Dallas, runs the Moot Court competition and has a major role in administering the mandatory program to instruct first-year students in oral advocacy. The Mock Trial Board organizes a mock trial competition for second- and third-year law students in the fall and in the spring and sponsors speakers on trial skills. The board is supported by **Vial, Hamilton, Koch & Knox**, Dallas. The Interscholastic Competition Board oversees participation in mock trial and moot court competitions in which SMU law students compete against students from other law schools across the country. In this respect, SMU School of Law competed for the first time in the National Health Law Moot Court Competition, the Asian-American Law Students Association Justice Tan Moot Court, and the Willem C. Vis International Commercial Arbitration Moot Court Competition in Vienna.

Complementing the moot court and mock trial competitions is the Client Counseling Competition. Its purpose is to promote greater



Real judges make any competition more worthwhile. Thanks to (from left) SMU law school Professor William Dorsaneo; Texas Supreme Court Justices Craig Enoch, '75, and Nathan Hecht, '74; U.S. District Court Judge Jorge Solis; and Fort Worth attorney David L. Richards.

knowledge and interest among law students in the client counseling functions of law practice and to develop interviewing, planning, and analytical skills in the lawyer-client relationship.

During the 1994-1995 academic year, SMU law students benefited from the support of a number of law firms that sponsored and/or coached teams. Among these were:

- Philip C. Jessup International Moot Court Competition: **Cowles & Thompson**
- Robert L. Wagner Sr. National Labor Law Moot Court: **Clark, West, Keller, Butler & Ellis**, Dallas
- American Trial Lawyers Association Mock Trial: **Frank L. Branson, P.C.**, Dallas
- Texas Invitational Mock Trial Teams: **Misko, Howie & Sweeney**, Dallas
- National Moot Court Team: **Cooper, Huddleston & Aldous**, Dallas
- Texas Young Lawyers Association Moot Court Team: **Bracewell & Patterson** (Dallas office)
- ABA National Mock Trial Team: **Strasburger & Price**, Dallas
- Other supporters and coaches included **Baker & McKenzie**, **Baudhuin & Shore**, **Burt Barr & Associates**, and **Hughes & Luce**.



1994 Latin American Law Student Association National Moot Court Competition co-champion Paul Esquivel, '95, welcomes competitors to the 1995 championship, hosted by SMU School of Law and its Hispanic American Law Students Association.

MOOT COURT COMPETITIONS (continued)

At the championship level: **Aaron Davidson** (2L) and **Karin Norington** (2L) were Regional Champions and National Competitors in the ABA Negotiation Competition. **Fred Houston** (2L) and **Trina McReynolds** (2L), the BALS team, were Regional Champions in the Frederick C. Douglass Moot Court. **Michelle Morgan**, '95, and **Tina Yoo**, '95, were Champions in the Advanced Appellate Advocacy Intra-Scholastic Competition. **Michelle Campbell** (1L) and **Bryan T. Adamson** (1L) were Champions of the Jackson & Walker First-Year Moot Court Competition. **Laura Macom** (1L) and **Constance Kern** (1L) were Champions of the Intra-Scholastic Client Counseling Competition.

Other achievements included: **Matt Nowak**,

'95, Best Oral Advocate Overall (Fall Mock Trial); **Charles Thompson**, '95, Best Oral Advocate, Final Round (Fall Mock Trial); **Bryan T. Adamson** (1L), Outstanding Oral Advocate (First-Year Moot Court); **Michelle Morgan**, '95, Best Oral Advocate (Advanced Appellate Advocacy Intra-Scholastic Competition); **Anthony C. Odiorne** (2L) and **Derek Simpson** (2L), Best Brief (Advanced Appellate Advocacy Intra-Scholastic Competition); **Trina McReynolds** (2L), National Helen Dawn Williams Award for Outstanding Oral Advocacy (Black Law Students Association Frederick C. Douglass Moot Court); **Erin Nealy**, '95, Honorable Mention, Best Oral Advocate (Willem C. Vis International Commercial Arbitration Moot Court)

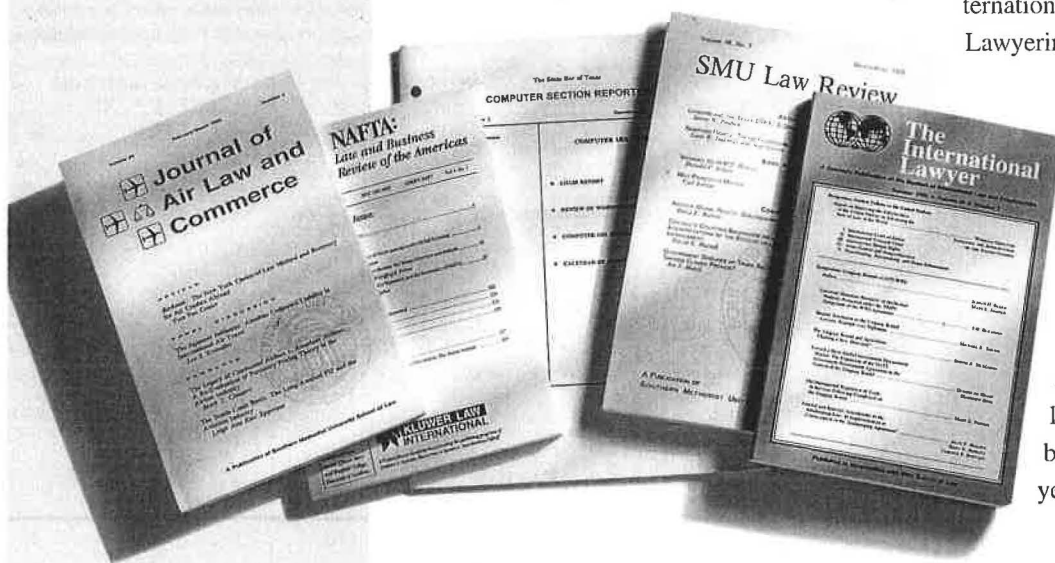
SMU'S LAW REVIEWS

The law school's three established law journals once again held successful symposia during the academic year. Keynote speaker at the *Journal of Air Law and Commerce*'s 29th Annual SMU Air Law Symposium was Larry A. Wansley, managing direc-

tor of corporate security for American Airlines; at the Second Annual *SMU Law Review* Corporate Counsel Symposium, Anne K. Bingaman, assistant attorney general and head of the U.S. Justice Department's antitrust division; and at *The International Lawyer*'s Second Annual International Law Symposium on International Lawyering in the Americas, His Excellency **Raúl**

Granillo Ocampo, Argentine Ambassador to the United States. The ambassador earned his LL.M. in International and Comparative Law from SMU in 1988.

Two additional publications, *NAFTA: Law and Business Review of the Americas* and the *Computer Section Reporter*, now also are based at the law school and have student editorial boards drawn from second- and third-year students.



WRITING COMPETITION WINNERS

The law school is proud to announce that the American Society of Composers, Authors and Publishers has designated **Raleigh William Newsam, II, '92**, as the \$3000 national first prize winner of the 1993 Nathan Burkan Memorial Competition for his



Newsam

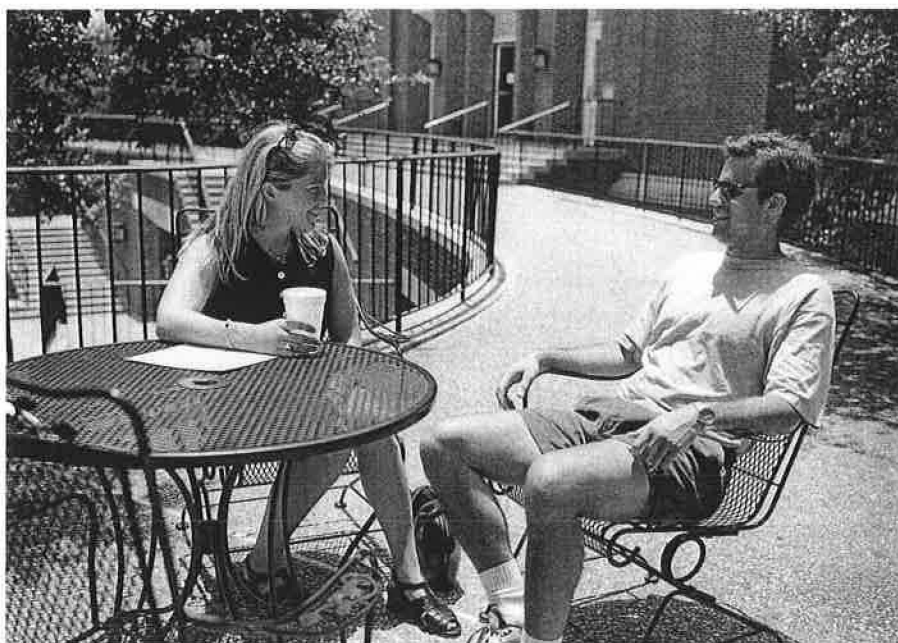
paper on "Architecture and Copyright: An Analytical Framework for Separating the Poetic from the Prosaic."

The paper, written under the direction of Professor Lackland H. Bloom, Jr., and selected from 126 entries from 84 law schools, will be published by Columbia University Press in *ASCAP Copyright Law Symposium Number Forty-Three*. Further,



Stack

for the fifth consecutive year, Associate Professor Timothy Davis's Construction Law Seminar students have won top honors in the ABA Forum Committee on the Construction Industry's Law Student Writing Competition. **Robert J. Stack, '95**, received the \$1500 first prize for his paper on "Subsurface Conditions: The Risk that Nobody Wants—An Overview of Subsurface Liability Issues," which was published in the August 1995 issue of *The Construction Lawyer*. Second prize and \$750 went to **James D. MacIntyre, '95**, for "Construction Law Implied Warranty Causes of Action in Developer, Owner, and Design Professional Contexts."



New seating, provided by the SBA, located at either end of the upper-level walkway connecting Storey Hall and Florence Hall, is dedicated to the memory of A. Kenneth Pye, president of SMU from 1987 to 1994, and David L. Gambill, the law school's director of finance from 1992 to 1994.



At the 1995 hooding ceremonies:

Professor Joseph McKnight leads the faculty processional.

Dana Burton, 1995 class valedictorian, carries the banner in the hooding processional.

The Honorable John C. Creuzot, '82, delivers the principal address.

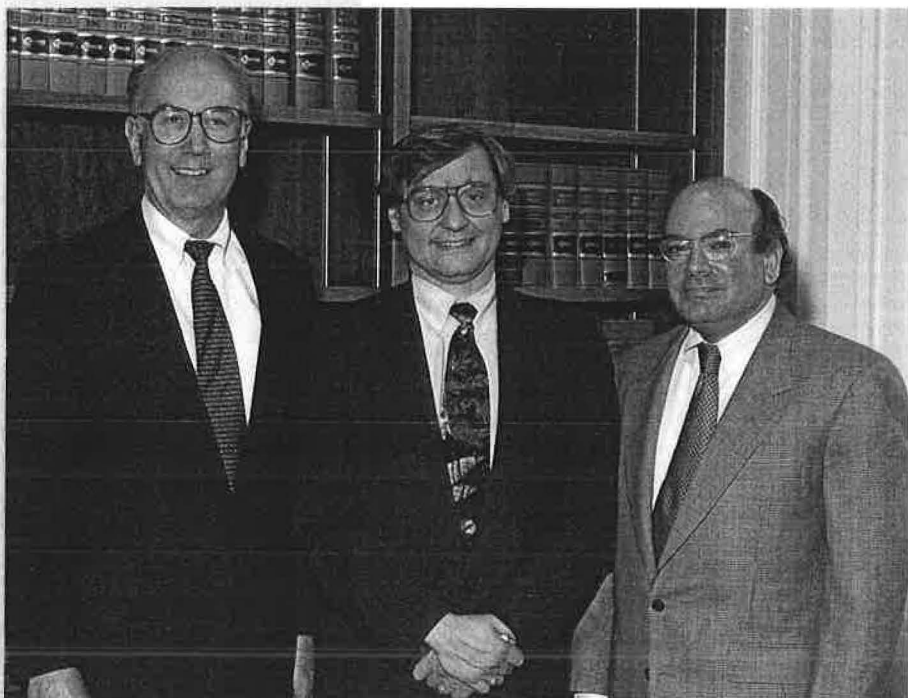
LAW SCHOOL LECTURES DRAW EMINENT SPEAKERS

Through a series of lectures open to the public the law school brought a number of eminent speakers to the campus during the spring semester. In January, The Honorable **Alex Kozinski** of the United States Ninth Circuit Court of Appeals delivered the 17th annual Roy R. Ray Lecture (established at the law school by the late Professor of Law

appointed chief judge of the U.S. Claims Court. In 1985 President Reagan appointed him to the Ninth Circuit Court of Appeals.

Kozinski chose as his topic one that he admitted at the outset "is somewhat politically and emotionally charged": the death penalty in the United States. "Is the death penalty morally justified?" he asked. "Does it serve a legitimate societal purpose? Is it worth the resources that we are devoting to it?" After a review of the twists and turns along the lengthy road from conviction, through appeal, to the final decision, he concluded that "the death penalty as we now administer it in this country can have no determined value because it is imposed so infrequently and so freakishly." Even in the face of the seemingly irreconcilable stances of both proponents and opponents of the death penalty, however, he expressed the hope that "a political solution, a true compromise, might yet enable us to reach a consensus where both sides feel that their essential interests have been considered."

The following month, The Honorable **Drew S. Days III**, Solicitor General within the U.S. Department of Justice, visited the law school campus to deliver the 14th annual Alfred P. Murrah Lecture (established through the Hatton W. Sumners Foundation). Days received his law degree from Yale Law School in 1966. He and his wife served in the Peace Corps in Honduras for two years, following which Days joined the staff of the NAACP Legal Defense Fund in New York City. He remained with the NAACP until 1977 when he accepted an appointment as Assistant Attorney General for Civil Rights under the Carter administration. Days joined the faculty of Yale Law School in 1981, to be named 10 years later to the Alfred M. Rankin Chair. At Yale he was also for five years the director of the Orville Schell Center for Human Rights. President Bill Clinton nominated and the Senate confirmed Days in his present position.



Dean Paul Rogers, Judge Alex Kozinski, and Professor Marc Steinberg before the Roy R. Ray Lecture.

Roy R. Ray). To introduce Kozinski was his fellow classmate from UCLA School of Law and fellow Ninth Circuit clerk Marc I. Steinberg, Rupert and Lillian Radford Professor of Law at SMU.

Kozinski clerked at the Ninth Circuit for Judge Anthony Kennedy (now of the U.S. Supreme Court) and then for former U.S. Chief Justice Warren E. Burger. He practiced law with the Washington, D.C., firm of Covington & Burling and served in the office of counsel to the President and as special counsel to the Merit Systems Protections Board, before being



Solicitor General Drew Days and Dean Paul Rogers before the Alfred P. Murrah Lecture.

Days chose as the title of his address, "The Solicitor General and the American Legal Ideal." He noted that a poll by *U.S. News and World Report*, published during the week of his speech, indicated that 69% of Americans regard lawyers as frequently less than honest; that 66% believe that lawyers "use the system to protect the powerful and get rich"; and that 25% of Americans reported that after watching the preliminary hearings in the O.J. Simpson trial they had less respect for lawyers. How then, asked Days, can we reconcile the "ideal" lawyer, the lawyer-statesman who is also a devoted public servant, with "the client-centered, 'win at all costs' vision of lawyers which is prevalent in some circles today."

Days stated as the objective of his speech, "to describe for you an institution where the lawyer is expected to look not only to the interests of his clients but to the long-term effects on the government and the country of positions taken in court; is expected to forfeit

victories in the interest of the greater good of justice; and is expected to exhibit absolute candor and fair dealing before the courts in the faithful exercise of his responsibilities." Similarly, he pointed out, "practitioners will likely confront situations where they must decide whether they can represent certain clients and still remain true to their own values. They will have to resolve conflicts between the responsibility to their clients and as an officer of the court. They will have to give clients advice that they would rather not hear." "We must," he said, "work to make notions of the lawyer-statesman a rule by which we judge our own conduct as well as the conduct of those we celebrate." For, "it is our future and the future of our profession which is at stake."

Charles O. Galvin, for 30 years on the faculty of SMU School of Law, 15 of them as dean,



Marc Steinberg speaks to the Weil Gotshal & Manges sponsored luncheon audience.

LAW SCHOOL LECTURES (continued)



Professor Alan M. Dershowitz of Harvard University responds to questions from a standing-room only audience in the law school's Karcher Auditorium in April. Dershowitz had delivered a University-sponsored lecture on campus the previous evening.

delivered the 1995 Tax Policy Lecture (sponsored by the Carrington SMU Law School Lecture Fund). In 1983 Galvin left SMU to become the Centennial Professor of Law at Vanderbilt University, a position he held until 1990 when he accepted emeritus status. He returned to Dallas a year ago and is currently of counsel to Haynes and Boone.

Galvin noted that he was a freshman undergraduate at SMU in the fall of 1936, the year that SMU played in the Rose Bowl—an important event in the history of SMU, he commented wryly, a time when “the football team made a major contribution to the academic health of the institution.” For “the proceeds from that game were used to make up back pay for the faculty and staff which was owed from the years of the depression when the University simply ran out of money.” Galvin started law school at SMU, but his studies were interrupted by service in the U.S. Navy during World War II, and he completed his J.D. degree at Northwestern University, from which he had earlier earned an M.B.A. He also holds an S.J.D. from Harvard University.

In introducing his speech on “Formation of Tax Policy: Past, Present and the Future,” Galvin acknowledged that the subject “is as controversial and highly emotionally charged as any that we could select” from the agenda of national issues. He would attempt, he said, to

give a “depth perspective of how we got from there to here before we look forward to where we may go from this point.” He reviewed the development of tax legislation from 1789 to the present, in order “to demonstrate that both political parties have participated in effecting increases and decreases in taxes to meet the exigencies of the times.”

In planning for the future Galvin explicated two tax policy models that he regards as “basic to any consideration of how to obtain the necessary revenues”: The Haig-Simons model, also known as the comprehensive income tax model, and the cash flow or consumed income model. Our present system, he noted, is a hybrid of both models. He also pointed to

advances in computer technology that allow for the development of models that, when fed into computers, “will reflect the efficiencies and deficiencies in tax proposals as they affect allocation of resources in a free market economy.” At the same time, as he looks at current legislative efforts to overhaul the tax system he worries that while fundamental changes in the tax system may occur,

they will be “dictated by politics rather than logical and rational analysis.”

The full text of Galvin’s speech is to be published in 49 *SMU Law Review* No. 1 (Sept./Oct. 1995).



Dean Paul Rogers and Former Dean Charles Galvin before the Carrington Tax Policy Lecture.



Chip Roh, Jean Anderson, and Paul Rogers at the Weil Gotshal & Manges sponsored luncheon.

In addition to these formal lectures, the School of Law welcomed speakers to the Weil Gotshal & Manges sponsored luncheon series. At the fall luncheon, **Charles E. (Chip) Roh** and **M. Jean Anderson**, members of Weil Gotshal & Manges' Washington office, gave an overview of the NAFTA. Roh was formerly with the USTR and deputy chief negotiator of the

NAFTA; Anderson, who specializes in trade practices and regulatory law, represented the Government of Canada in the NAFTA negotiations. At the spring luncheon, SMU Professor **Marc Steinberg**, author of nine books and more than 90 law review articles in the corporate and securities law field, chose as his topic "Inside Counsel in the 1990s."

CONFERENCE ON FEDERAL RULES OF CIVIL PROCEDURE

In March the Southwestern Legal Foundation and SMU School of Law co-sponsored a Conference on the Federal Rules of Civil Procedure. The conference, which brought together scholars, judges, and lawyers, was directed by Judge Patrick Higginbotham. It was designed to encourage reflection and discussion on the present impact of rules that were promulgated decades ago and whether those rules meet the needs of today's civil justice system. Professor Arthur Miller of Harvard Law School served as discussion leader and director of the American Law Institute Professor Geoffrey C. Hazard, Jr., of the University of Pennsylvania Law School as reporter. West Publishing Company has published the report of the conference as a public service. Additional support for the conference was provided by an unrestricted grant from the Product Liability Advisory Council Foundation.

IMMIGRATION CLINIC

The Immigration Clinic is enhancing its curriculum this fall by allowing two international LL.M. candidates to participate on a directed research basis. This initiative will develop criteria for cross-cultural training of lawyers and future lawyers through the clinical experience. It is also in response to the question that many law professionals are asking: "What additional steps are necessary to bring about economic integration?" The LL.M. students will participate in mock hearings, assist J.D. candidates in the preparation of contested hearings, and write a paper on their experiences to be published in their home countries.



*SMU law school's
40-year tradition
of international legal
education and its
ties with the
Pacific Rim are
exceptionally strong*

SMU SCHOOL OF LAW ESTABLISHES CENTER FOR PACIFIC RIM LEGAL STUDIES

Dean C. Paul Rogers III announced the establishment of the Center for Pacific Rim Legal Studies in advance of his trip to the Far East in July. In doing so, the dean said: "Dramatic changes in global relations have made manifestly clear the truth of a view expressed by the late SMU School of Law Dean Robert G. Storey almost 50 years ago: we live in a world that requires knowledge of international law as well as of foreign relations. Dean Storey urged a radically different vision of legal education, arguing that one of the law school's main objectives was to promote greater contact and understanding of the many legal cultures that make up our global community. It is clear that the global legal community is now upon us."

SMU law school's 40-year tradition of international legal education and its ties with the Pacific Rim are exceptionally strong and many of its graduates from the Pacific Rim have become leaders in their countries. The new Center will build upon these historic strengths in the international arena to open major academic and professional opportunities for students and faculty, and to establish SMU School of Law as a microcosm of the global lawyering community. It will include the LL.M. in Comparative and International Law program, the Academy of International Taxation in Taiwan, and other appropriate existing and developing programs and publications.

Professor Christopher H. Hanna, who has been named director of the Center, emphasizes that its activities will enrich the entire law school community. As he points out, "all SMU law students benefit from a distinguished faculty of teachers and scholars with national and international reputations and from the law school's tradition as a leader in the teaching of comparative and international law."

Within the J.D. program, the Center will enhance the school's ability to graduate law

students who are literate in international affairs and sensitive to cultural differences around the globe, who have the skills to grasp and research legal problems that cut across international boundaries, and who understand how and why different societies' legal systems develop different solutions to common problems.

Beyond the J.D. program the center will further enrich the LL.M. in Comparative and International Law program by attracting Pacific Rim candidates who will: reflect the diversity of the region; by their studies fulfill the global demand for lawyers educated not only in the civil law tradition but in common law concepts and the complexities of U.S. law; and provide a multicultural setting in which both J.D. and LL.M. students can extend their horizons beyond national borders.

The Center's programs will be multifaceted. Contributing their scholarship will be visiting faculty and post-graduate research fellows from the Pacific Rim. Scholarships and law firm and corporate extern programs will be available to LL.M. students. The Center will sponsor international conferences and campus round tables at which academics and nonacademics will meet to explore law and policy issues in specific Pacific Rim countries. A law review series and other publications are planned. Pacific Rim matters will be included in the law school's courses on international banking, business transactions, trade, and tax. Formal law school exchange and summer programs will be developed. Library resources in the Pacific Rim area will be enhanced. And, within the University, the Center will seek to promote interdisciplinary programs among the School of Law, the Edwin L. Cox School of Business, the Department of Political Science and its Tower Center, and the Department of Economics.

GRADUATE NEWS

50 Robert G. Vial, Vial Hamilton Koch & Knox, Dallas, outgoing chair of the Texas chapters of the American Board of Trial Advocates received that organization's Exceptional Performance Citation for having supported and improved the standards and education of the trial bar and for his contributions to the public awareness of the right to trial by jury.

54 J. Redwine Patterson, Patterson, Lamberty, Stanford & Walls, Dallas, completed the fall 1994 London marathon.

56 Reunion Class, March 29-30, 1996

57 Justice Bob Dickenson, 11th Court of Appeals, Eastland, is the 1994-95 State Bar Judicial Section's chair-elect and the Texas Center for the Judiciary, Inc., board of directors' chair-elect.

58 J. Jerry Merchant has formed Merchant & Associates in Yelm, Washington.

59 Marshall J. Doke, Jr., McKenna & Cuneo, Dallas, is the president-elect of the United States Court of Federal Claims Bar Association.

60 Lester V. Baum is a founding partner of Powell & Coleman, Dallas. **Robert L. Meyers III**, Jones Day Reavis & Pogue, Dallas, is chair of the board of the College of the State Bar.

61 Reunion Class, March 29-30, 1996

63 Walter L. Abbey, Vial, Hamilton, Koch & Knox, Dallas, is chair of the committee to fund establishment of the Judge Sarah T. Hughes Reading Room and Research Facility at the University of North Texas. Colonel **Oliver Kelley** has taken office as judge of the 169th District in Bell County, Texas. **William M. LauBach** has become the executive director of the Police Benevolent Association of Pinellas County, Florida. **Roy J. True**, True Rohde & Sewell, Dallas, has formed Prism Artist Management.

IN MEMORIAM

Walter Elisha Allison, '31
March 18, 1995

Charlie T. Davis, '35
July 9, 1995

Adda Bozeman Barkhuus, '37
December 3, 1994

Archie Dean Burford, '50
December 8, 1994

D. Carl Richards, '52
January 19, 1995

James J. Heinemann, '54
March 3, 19

Hernando Gomez-Otalora, LL.M.
'57, J.D. '59
January 1995

John Allison Bailey, '58
February 3, 1995

Charles Dudley Mayes, '60
June 15, 1995

Gilbert Lee Finnell, Jr., '63
December 2, 1994

John Harlan Chambers, '64
June 30, 1994

Gene Pruett Moore, '68

Glenn Edwin Turner, '72
April 19, 1995

Louise B. Raggio



Louise B. Raggio, '52, has garnered many awards, local, state, and national, in the course of her professional career. In this decade alone she has received in 1990, the International Women's Forum "Woman That Has Made a Difference" Award; in 1992, the SMU Distinguished Law Alumni Award; in 1993 the State Bar of Texas Sarah T. Hughes Outstanding Attorney Award and the Dallas Bar Association First Outstanding Trial Lawyer Award; in 1994, the National Business Women Owners

Association Award and the American Civil Liberties Union Thomas Jefferson Award; and already in 1995, the Girls, Inc. Award. Now we are proud to note that this distinguished law school graduate has recently received two further honors. The North Texas Association of Women Journalists has bestowed on her its 1995 Courage Award, which recognizes people who have shown courage through the years and have helped to improve conditions for women. She is also one of five female lawyers nationwide to receive the Margaret Brent Outstanding Woman Lawyer Award from the ABA Commission of Women in the Profession to recognize and celebrate the accomplishments of female lawyers. Louise Raggio is indeed a courageous exemplar of the best in her profession.

James H. "Blackie" Holmes

In 1989 James H. "Blackie" Holmes, '59, with Burford & Ryburn in Dallas, and two fellow attorneys saw their efforts to fruition when on November 7th of that year the Supreme Court of Texas and the Texas Court of Criminal Appeals formally adopted "The Texas Lawyer's Creed—A Mandate for Professionalism." Texas thus became the first state in the nation with such a creed, conceived to protect the legal

profession and the larger public from the "Rambo" litigator. As the three authors noted in their introduction to "A Guide to the Texas Lawyer's Creed: A Mandate for Professionalism," 10 *The Review of Litigation* 673 (1991): "True professionalism cannot be legislated; there can be no substitute for integrity, morality, and commitment to public service." At the end of last year, the Texas Supreme Court, the Texas Court of Criminal Appeals, and the four federal districts of Texas entered proclamations celebrating the fifth anniversary of the Creed. The law school shares in that celebration.

64 Harless R. Benthul has become of counsel to Gilpin, Paxson & Bersch, Houston. **Scott F. Bradley** (also LL.M. '76) has become of counsel to Cantey & Hanger, Dallas and Fort Worth.

65 C.L. Mike Schmidt, The Schmidt Firm, Dallas, has been inducted as a fellow in the International Academy of Trial Lawyers.

66 Reunion Class, March 29-30, 1996

J. Michael Wylie, Jenkins & Gilchrist, Dallas, has become a shareholder with the firm.

68 Lawrence J. Brannian has joined Akin, Gump, Strauss, Hauer & Feld, Dallas. **Paul C. Van Slyke**, Pravel, Hewitt, Kimball & Krieger, Houston, is the 1995-96 president of the Houston Intellectual Property Association.

69 Wayne L. Friesner has joined McKenna & Cuneo, Dallas, as of counsel. **Robert H. Frost**, Gwinn & Roby, Dallas, has been elected a director of the State Bar of Texas.

70 J. Chris Bird is a principal in the new firm of Bird & Shaw, Dallas. **Penelope Y. Lary**, assistant general counsel for DART, has been elected vice president of the Dallas chapter of the Society of Texas Environmental Professionals. **Harriet Miers**, Locke Purnell Rain Harrell, Dallas, has been reelected to the board of editors of the *ABA Journal* for a three-year term.

71 Reunion Class, March 29-30, 1996

Ira Ensohn has joined Winstead Sechrest & Minick, Dallas, as a shareholder. **Thomas P. Goranson** is a principal in the new firm of Goranson & Larsen, Dallas. **E. Russell Nunnally** has become a principal in Caolo, Bell & Nunnally, Dallas.

72 Bruce A. Cheatham has become a shareholder of Winstead, Sechrest & Minick, Dallas. **Stephen E. Handel**, Houston, has been



elected to the board of directors of UNICEF for the Houston/Galveston area.

73 Ralph C. "Red Dog" Jones, Carter, Jones, Magee,

Jones Rudberg & Mayes,

Dallas, in his capacity as president of the Dallas Bar Association, attended the ABA's annual Bar Leadership Institute in Chicago. **M. Russell Kruse, Jr.**, has formed the Law Offices of M. Russell Kruse in Laguna Beach, California.

74 Biff Godfrey has joined Darden Restaurants, Inc., in Orlando, Florida, as corporate counsel. **Guy N. Harrison**, Longview, has been elected a director of the State Bar of Texas.

75 Ben H. Admire, Strasburger & Price, Dallas, is the author of "Health Care Law Update" in the March 1995 issue of *The Advocate*. **John J. Brunetti** (LL.M.), Syracuse, New York, was nominated by New York Governor George E. Pataki and has been confirmed by the New York Senate as acting supreme court justice to preside over criminal cases in the central New York area. **Edward F. Gilhooly** has joined Bush, Craddock & Reneker, Dallas and Marshall.

76 Reunion Class, March 29-30, 1996

Don D. Bush (also LL.M. '86) is a principal in the new firm of Bush, Craddock & Reneker,

with his can-do spirit." **J. Stephen King** has joined Morgan & Weisbrod, Houston. **David M. Laney**, Jenkins & Gilchrist, Dallas, has been appointed by Texas Governor George W. Bush to the Texas Transportation Commission. **Steve A. Mandell** has changed the name of his firm in Vienna, Virginia, to The Mandell Law Firm, A Professional Corporation. **Richard K. Martin** has joined Haynes and Boone, Dallas, as a partner in the firm's real estate section. **Foster Reese III** has become a shareholder with Cowles & Thompson, Dallas. **Randall Wooley** has joined VHA, Inc., Irving, as senior counsel.



Howie



Mandell



Martin



Bloodworth

Dallas and Marshall. **David B. Dillon** has moved to Cincinnati, Ohio, to become president and CEO of The Kroger Co. **John R. Howie**, Howie & Sweeney, Dallas, has been certified as a member of the Million Dollar Advocates Forum, a national trial lawyers association that honors attorneys who have achieved a verdict or settlement of at least \$1 million—something Howie has accomplished more than 50 times. **Julia K. Lindauer** has become a shareholder with Jenkins & Gilchrist, Dallas. **Steven D. Nelson** has become a principal in the new firm of Ford & Nelson, Dallas.

77 Bruce Coleman has become a principal in the new firm of Powell & Coleman, Dallas. **Robert Hsueh**, Smith, Underwood & Perkins, Dallas, was featured in the High Profile section of *The Dallas Morning News* as "empowering the city's Asian community

78 Nelson A. Bangs has been promoted to senior vice president, law, at Dr Pepper/Cadbury North America, Dallas. **Thomas L. Bloodworth**, Jenkins & Gilchrist, Dallas, has become executive vice president of the firm's governing board. **Ted Campagnolo** is a principal in the new firm of Campagnolo & Philbin, San Antonio. The Honorable **Robert C. Pate** has been appointed judge of the 28th District Court in Corpus Christi by Texas Governor George W. Bush. **Lawrence M. Wells** is a principal in the new firm of Campbell & Wells, Albuquerque, New Mexico.

79 Michael W. Wile has joined Rowley, Bowen & Wile, Tucumcari, New Mexico.

Catherine Crier

Last May, Catherine Crier, '77, ABC News correspondent, received an honorary Doctor of Laws degree from Lehigh University in Bethlehem, Pennsylvania. Crier also



delivered the university's commencement address.

When Crier was elected a state district judge in 1984, presiding over the 162nd District Court of Dallas County, she became the youngest elected state judge in Texas history. Five years later she resigned the position to join CNN. In 1993 Crier moved to ABC as a correspondent on the network's prime time news magazine "20/20." Viewers also know her as a regular substitute on ABC's "World News Tonight" and "Nightline."

BIRTHS

Ian André Albert Fraser, April 11, 1995, son of Qing Qing Frazer and **B. Merrell Frazer, Jr.**, '63.

Ross Tyrrell Eastman, Jr., May 14, 1995, son of **Laura Eastman**, '89, and Ross Tyrrell Eastman.

Noah Wagner Styles, April 28, 1995, son of **Andrea E. Wagner Styles**, '89, and Jody Styles.

Clair Ellen Cahoon, March 20, 1995, daughter of **Susan Cahoon**, '91, and **Colin P. Cahoon**, '91.

Shelby Victoria Anderson, April 28, 1995, daughter of Pamalla Anderson and **Craig B. Anderson**, '93.

George Edward Seay IV, June 26, 1995, son of Sarah Seay and **George Edward Seay III**, '94.

80 James T. Drakeley has become a shareholder of Miller, Hiersche, Martens, Hayward & Drakeley, Dallas. **Eugene J. Flynn**, Dallas, has been elected to the board of directors of the British-American Commerce Association.

Tennessee Nielsen is now corporate counsel and assistant secretary of Greyhound Lines, Inc., Dallas. **Cynthia M. Ohlenforst**, Hughes & Luce, Dallas, is a 1995 council member of the Dallas Bar Association's Tax Section.

81 Reunion Class, March 29-30, 1996

Jonathan D. Reiff has opened a solo practice in Oklahoma City. The Honorable **M. Vert Mooney** has been appointed a municipal judge for Los Angeles County by California Governor Pete Wilson.

82 Dennis J. Grindinger, Thompson & Knight, Dallas, is a 1995 council member of the Dallas Bar Association's Tax Section. **Kathleen M. LaValle** has joined Cohan, Simpson, Cowlishaw & Wulff, Dallas. **William G. Mason** has joined Lummus, Hallman, Pritchard & Baker,

Cleburne. **James S. Meyer**, Vinson & Elkins, Dallas, has been elected 1995 secretary-treasurer of the Dallas Bar Association's Tax Section.

83 Sherri Alexander has become a partner with Caolo, Bell & Nunnally, Dallas. **Suzanne Bass**, of counsel to the firm of Grant E. Seabolt, Attorney, Dallas, is a member of the College of the State Bar of Texas and a 1995 director of



Henry

the Dallas Women Lawyers Association. Texas Governor George W. Bush nominated and the Texas Senate confirmed **Dan Branch**, Langley & Branch, Dallas, to serve on the board of directors of

the Texas Public Finance Authority. **Kathleen O. Henry** has joined Munsch, Hardt, Kopf, Harr & Dinan, Dallas. **Michael W. Huddleston** has become a shareholder of McCauley, MacDonald, Love

Don B. Chae

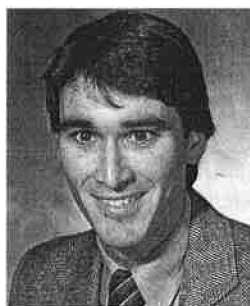


Don B. Chae, '80, of Chae & Associates in Dallas, was recently sworn in as an associate Dallas Municipal Court judge, the first Asian-American to assume a judicial position in north Texas. Chae was appointed by the Dallas City Council after an interview with the council's Judicial Nominating Committee. Said Harriet E. Miers, '70, chair of the committee: "We were impressed that he brought to the position of judge a great deal of experience, commitment and judgment that we thought would

be highly valuable." Chae, who as a Fulbright scholar earned a Ph.D. in history in 1972 from the University of Texas at Austin, emigrated to the U.S. in 1974 from Kwangju, South Korea. He chose to attend SMU School of Law after another Texas law school rejected him on the grounds that "law is a very local thing, and we don't teach foreign students." One of only a handful of Asian lawyers in the Dallas area when he graduated and entered private practice, Chae is now a leader within the Korean-American community. He is also a director of the Dallas Dispute Mediation Service, Inc. and a member of the State Bar of Texas Committee on the Laws Relating to Immigration and Nationality. Chae's hope is that his judicial appointment will encourage others like himself to seek higher offices.

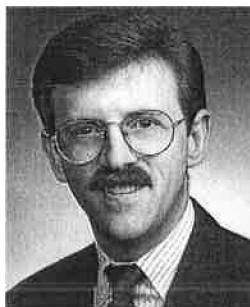
& Devin, Dallas. **Joseph D. "Chip" Sheppard** has joined Carnahan, Evans, Cantwell & Brown, Springfield, Missouri, as a shareholder/director. **Eric P. Turner** (LL.M.) has joined the Chicago office of Coopers & Lybrand as director of the Intercompany Transactions Group.

84 Virginia H. Howard has joined the U.S. Attorney's Office in Fort Worth. **R. Bradley Oxford** has become of counsel to Cox & Smith



Shaw

Incorporated, San Antonio. **Thomas E. Shaw** is a principal in the new firm of Bird & Shaw, Dallas. **Lisa A. Peterson**, Kelly, Hart & Hallman, Fort Worth, is now a director of the firm. **Randall G. Ray**, Gardere & Wynne, Dallas, has been promoted to partner at the firm. **Derry W. Swanger**, Osborne, Lowe, Helman & Smith, Austin, has been elected a fellow of the American College of Trust and Estate Counsel.



Swanger

Thomas W. Welch, who was practicing law in Europe, has joined Ludwig & Welch in Washington, D.C. **Buck J. Wynne III** is a principal in the new firm of Monning & Braly Wynne, Dallas.



Braly

85 Angela F. Braly has become a member of Lewis, Rice & Fingersh, St. Louis, Missouri. **Terri H. Budow** has joined Carrollton-based FoxMeyer as associate general counsel. **Scott A. Farrimond** has joined Stumpf & Falgout, San Antonio, as a shareholder; **Lawrence J. Fontana** is now a shareholder in the same firm's Houston office. **Linda A. Wilkins**, Locke Purnell Rain

Sharon N. Freytag



Sharon N. Freytag, '81, of Haynes and Boone in Dallas, received the 1995 Baird Community Spirit Award from the investment firm of Robert W. Baird & Co. "Many thanks to you, Sharon Freytag," the citation read, "for your community spirit and service to the youths of Dallas through your professional affiliations. As chair of the Dallas Bar Association's Law Day Committee in 1994, you initiated an essay contest that awards Dallas Public School students with U.S. Savings Bonds for their honest and illuminating writings. For many years, you have been active in teaching and tutoring others, both inside and outside the legal profession, and as an active member of King of Glory Lutheran Church, you set an example of commitment and caring. Your efforts through the State Bar Committee for Coordination with other groups have aided interaction with doctors, accountants, engineers, architects and other professionals in the community to identify areas of shared concerns and improved communications. For all your work in our community, we express our appreciation!"

Harrell, Dallas, is the author of "Protecting Assets from the Risk of Catastrophic Medical Expenses" in the February 1995 issue of the *American Bankers Association's Trust and Financial Advisor*.

86 Reunion Class, March 29-30, 1996

Michael A. Dover is a founding member of the firm of William L. Wolff, Dallas. **Pedro V. Hernandez, Jr.**, has opened a solo practice in San Antonio. **John K. Horany** is a principal in the new firm of Blume & Horany, Dallas. **Bradley W. Lingo** has moved to Brisbane, Australia, as director-Australasia of Tenneco Gas Australia. **R. Dyann McCully** is a shareholder of Wilson, Bakutis, Jones, Shell, McCully & Sawyer, Fort Worth, and is now board certified in estate planning and probate law.

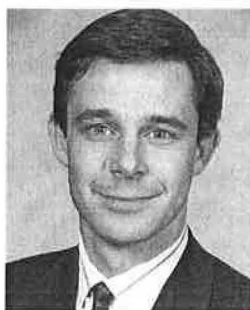
an Rosen

an Rosen, '82, John J. McAulay
 endowed Professor of Law at
 Loyola University School of Law in
 New Orleans, writes from Japan:
 "I'm now starting my third year here
 in Kyoto. The first year I was a visit-
 ing professor here at Doshisha [Uni-
 versity, in Kyoto]. Last year, I had a
 research grant from the Japan
 Foundation. Now, I'm teaching part-
 time at Doshisha and Osaka Uni-
 versities until August as well as run-
 ning the Loyola Japanese Law sum-
 mer program. I'll be back in New
 Orleans for the Fall semester. My
 life here is quite busy and reward-
 ing. As one of a very small number
 of American law teachers in the
 country, I get invited to do many
 things and can operate at a very
 high level. I've had several pieces
 translated and published in the
 country's leading law journals, and
 I often am asked to give speeches
 to groups of judges, academics, etc.
 all over the country." He adds, "I
 also have this idiosyncrasy—I love
 Japanese pop music. My friends
 find this very strange, as they mostly
 like to listen to foreign (American)
 music." Rosen also notes that he
 recently published an article (with a
 co-author) on "The Social Structure
 of Japanese Intellectual Property
 Law," in 13 *UCLA Pacific Basin Law
 Journal* 32 (1994).



Dan Rosen at a ceremony commemorating the 1,200th anniversary of Kyoto, at which he was a featured speaker.

87 David N. Condon has joined Kane, Russell, Coleman & Logan, Dallas. **Robert S. Hart** is a principal in the new firm of Young, Isbell & Hart, Dallas. **Susan S. Hayes** has become a shareholder of Rives & Peterson, Birmingham, Alabama. **Cynthia Harkins Haynes** has been named site counsel for Texas Instruments Incorporated Materials & Controls Group in Attleboro, Massachusetts. **Craig P. Henderson** is a founding member of the firm of William L. Wolf, Dallas.



Cox

88 Zachary W. Allen has joined Mock, Schwabe, Waldo, Elder, Reeves & Bryant, Oklahoma City. **Robert T. Arthur** is a principal of Law & Arthur, San Francisco. **Kevin E.**

Cox has been promoted to deputy executive director of governmental and public affairs for the Dallas/Fort Worth International Airport

Board. **David J. Fisher**, Fairchild, Price, Thomas & Haley, Center, Texas, is now a partner with the firm. **Dee A. Hudson Peavy** is a principal in the new firm of Peavy & Peavy, Graham, Texas. **Bradley L. Whitlock**, Jackson & Walker, Dallas, has been promoted to partner.

89 J. Lee Baldwin, Dallas District Attorney's Office, has been elected secretary/treasurer of the board of directors of Legal Services of North Texas, and **Timothy Hui**, Hui & Malik, Dallas, has been appointed by the Dallas Bar Association's board of directors to serve on the LSNT board. **Chandler L. Grisham**, Douglas, Kressler & Wuester, Fort Worth, has been elected 1995 secretary and **Jeffrey A. Rattikin**, Fort Worth, 1995 treasurer of the Fort Worth-Tarrant County Young Lawyers Association.

90 Mark Early has joined Vinson & Elkins, Dallas. **Nicholas A. Foley** is with Bush, Craddock & Reneker, Dallas and Marshall. **Keith M. Jensen** is a solo practitioner in Fort Worth. **Helen Miller Liggett**, Lubbock, is an assistant federal public defender for the Northern District of Texas. **Robert J. Power** is with Household International

in Raleigh, North Carolina, as regional director, government relations. **Mark Reiter** is with Jones, Day, Reavis & Pogue, Dallas. **Josh O. Ungerman** is with Meadows, Owens, Collier, Reed, Cousins & Blau, Dallas.

91 Reunion Class, March 29-30, 1996

Eric Allen is with Baker & Botts, Austin. **Colin P. Cahoon**, Jackson & Walker, Dallas, is a member of the College of the State Bar of Texas. **Lynne P. Clarke** is with Jackson, Lewis, Schitzler & Krupman, Dallas. **Melissa Bass Hutts** is with Baron & Budd, Dallas. **Lee Elizabeth Michaels** is with the A.H. Belo Corporation, Dallas. **Ilene J. Smoger**, Smoger & Associates, Dallas, received a certificate of award for outstanding volunteer services to Headway Homes of Texas, a nonprofit corporation serving people with traumatic brain injuries; she has also been elected to the board of directors of the Dallas Women Lawyers Association.



Grant

92 Gerald L. Brantley (LL.M. in Taxation) is a trial attorney with the Internal Revenue Service in Dallas. **Veronica A. Cuadra** is with Clark West Keller Butler & Ellis, Dallas. **Laurie**

S. Grant is with Haynes and Boone, Dallas. **Daryl L. Lansdale, Jr.**, Fulbright & Jaworski, San Antonio, has co-authored, with SMU Professor of Law Marc I. Steinberg, "Regulation S and Rule 144A: Creating a Workable Fiction in an Expanding Global Securities Market," in 29 *The International Lawyer* 43 (1995). **Christine A. McGuire** is with Smith, Underwood & Perkins, Dallas. **Sigifredo Perez III** is with Phillips & Akers, Laredo. **Paula T. Perkins** is with Kelly, Hart & Hallmann, Fort Worth. **Kyle D. Roberts** is with Winstead, Sechrest & Minick, Dallas. **Katrina H. Welch** (also LL.M. in Taxation '95) is with Coopers & Lybrand, Dallas. **Stephen J. Wyse** is with Jenkins & Gilchrist, Dallas. **Ralph Bernhard Hill** and . . .

93 Elizabeth Della Leal Hill are living in Wiesbaden, Germany. **R. Hunter Bitner III** is a senior associate with Unger, Willis, Cacciatore & Swartwood, Orlando, Florida. **Michael F. Burchfiel** is with Epstein, Becker & Green, Dallas. **Anson E. Christian** is with Covington & Burling, Washington, D.C. **Keith H. Cole, Jr.**, is with Baron & Budd, Dallas. **Sharlee A. Cole** is with Gardere & Wynne, Dallas. **David D. Davis** is regional director of SMH Bar Review Services, Austin. **Joseph F. Depumpo** is with Akin, Gump, Strauss, Hauer & Feld, Dallas. **Christopher A. Ferazzi** (LL.M. in Taxation) is with Porter & Hedges, Houston. **Justin Gilbert**, who completed his LL.M. at the University of Edinburgh in 1992, is with Cowles & Thompson, Dallas. **Evan S. Hobbs** (LL.M. in Taxation) is with Laflin, Lieuwen, Tucker & Pick, Albuquerque, New Mexico. **Jennifer I. Last** (LL.M. in Taxation), McDonald Sanders, Fort Worth, has been elected a 1995 director of the Fort Worth-Tarrant County Young Lawyers

REUNION WEEKEND '96 PLANNED

You are invited to Reunion Weekend '96 on March 29 & 30, 1996. If you are in one of the following law school classes you will be having a reunion 1928-52, 1956, 1961, 1966, 1971, 1976, 1981, 1986, 1991. Mark your calendar now and watch your mailbox for more details. If you have any questions, call the law school's office of alumni relations at (214) 768-3939, or e-mail charkins@mail.smu.edu.

James E. Kennedy



James E. Kennedy, '84, is a former captain in the Army's Judge Advocate General's Corps. A closeted gay, he found himself in the hypocritical position of having to prosecute and discharge gay, lesbian, and bisexual soldiers. After four years he abandoned his Army career. Now he has written *About-Face: A Gay Officer's Account of How He Stopped Prosecuting Gays in the Army and Started Fighting for Their Rights*.

He notes in his foreword, "The more we [gay people] share our stories, the more we will explain to ourselves and to others who we are and how we fit in the communities in which we live and make so many contributions...Sharing our stories and confronting and accepting ourselves may even help some face issues other than gayness that they have been avoiding. As they learn the difficult paths many of us have followed in coming to accept ourselves, they may become stronger and be heartened in their own struggles to confront issues they have been avoiding, accept themselves as they are, and live their lives more fully."

MARRIAGES

Robin Perlman, '87, and Dan Rubenstein, on January 21, 1995.

L. Stephan Vincze, '88, and Sarah Hunter Frazer, on March 11, 1995.

Marc Charles Paradis, '89, and Jeannine Renee Lesperance, on October 7, 1994, in Catonsville, Maryland.

Eric Anthony Allen, '91, and Erika Tyner, on December 10, 1994.

Justin Gilbert, '93, and Lynda Otwell, on May 13, 1995, in Old Washington, Arkansas.

Clay Hartmann, '94, and Michelle LeGrand, on May 13, 1995, in Houston.

Maggie Rodriguez, '95, and **Paul Esquivel**, '95, on May 26, 1995, in San Antonio.

GRADUATE NEWS (continued)

Association. **Collin J. Hite** is with the Office of the Attorney General in Hollywood, Florida. **Jennifer H. Kay** is with Bullaro Carton & Stone, Chicago. **Jeffrey W. Kemp** is with the Harris County District Attorney's Office in Houston. **Amy N. Marlowe** is with Jones, Day, Reavis & Pogue, Dallas. **Jeffrey M. Meyerson** is with the Law Offices of H. Hudson Henley, Dallas. **David B. Miller** is with Winstead Sechrest & Minick, Dallas. **Steven D. Roberts** is with Cooper & Aldous, Dallas. **Julie A. Rosenthal**, Fort Worth, has been elected a 1995 director of the Fort Worth-Tarrant County Young Lawyers Association. **Candace M. Williams** received her LL.M. in Taxation from New York University and is a trial attorney with the Internal Revenue Service in Dallas. **Tammy S. Wood** is with Caolo, Bell & Nunnally, Dallas.

94 Diane M. Barlow is with Jackson & Walker, Dallas. **Cynthia J. Bishop** and **Clay A. Hartmann** are with Jones, Day, Reavis & Pogue, Dallas. **Scott A. Burrell** is with Vedder, Price, Kaufman, Kamholz & Day, Washington, D.C. **Meloney J. Cargill** is with Bush, Craddock & Reneker, Dallas. **Nicole H. Chaput**, **Claudia K. Frey**, and **Peter M. Roossien** are with Cooper & Aldous, Dallas. **Louisa A. Collins** is with Akin, Gump, Strauss, Hauer & Feld, Dallas. **William B. Holloway, Jr.** is attending the graduate tax program at New York University School of Law and has accepted a position with Strasburger & Price, Dallas. **John J. Jenkins, Jr.** is with Bass Berry & Sims, Nashville, Tennessee. **Stephen R. Jensen** is a trial attorney with the Internal Revenue Service in Dallas. **Shari A. Keely** is with Cowles & Thompson, Dallas. **David A. Lasley** is attending the graduate tax program at New York University School of Law. **David A. Levy** is the Kronstein Visiting Research Fellow at the International Law Institute in Washington, D.C. Levy is editor of the *Gulf War Claims Reporter* for the ILI and has published three articles: "Financial Leasing Under the UNIDROIT

Convention and the Uniform Commercial Code: A Comparative Analysis, 5 *Indiana International & Comparative Law Review* 267 (1995); "Bulgarian Trade and Investment: A Realistic Assessment," 27 *Case Western Reserve Journal of International Law* (August 1995); and "The Constitutional Court: A Bulgarian Response to Obsolescent Law," 4 *Yearbook of International Law* (University of Miami, 1995). During the summer Levy taught legal writing to a group of foreign attorneys entering American law schools in the fall. **Vicki L. Martin** has completed her LL.M. in international law at Georgetown University. **Louis F.L. Meng** is an attorney with Taiwan Aerospace Industry in Taipei, Taiwan. **Gregory W. Mitchell** received his LL.M. in Taxation from New York University and is a tax attorney with American Airlines, Irving. **Audrey E. Mross** is with Haynes and Boone, Dallas. **Bruce H. Rogers** is with Cantey & Hanger, Dallas. **Amy E. Scallan** is with Jackson & Walker, Fort Worth. **George E. Seay III** is with Locke Purnell Rain Harrell, Dallas. **Charles M.R. Vethan** is with Hirsch Robinson Sheiness & Glover, Houston.

95 Jamil N. Alibhai is with Bickel & Brewer, Dallas. **Michael F. Alessio**, **David J. Valenti**, and **Christopher D. Williams** are with Winstead Sechrest & Minick, Dallas. **Beatrice K. Barklow** is with Andrews & Kurth, Dallas. **Dinah L. Bass** is with Munsch Hardt Kopf Harr & Dinan, Dallas. **Angela L. Brackbill** and **Joseph D. Brown** are with Cowles & Thompson, Dallas. **William H. Bromfield** and **Joseph A. Malick** are with Akin Gump Strauss Hauer & Feld, Dallas. **Dana M. Brown** is with Jenkins & Gilchrist, Dallas. **Dana L. Burton**, **Julie L. Reed**, and **Mark Valetti** are with Texas Instruments Inc. **Allison C. Casper** is with Casper's Co., Tampa, Florida. **Ronald W. Chapman, Jr.**, is a judicial clerk for Judge Robert M. Parker of the United States Court of Appeals for the Fifth Circuit in Tyler and has accepted a position with Strasburger & Price, Dallas. **Carmen G. Chica** is a judicial clerk for Judge Thadd J. Heartfield of the United

States District Court for the Eastern District of Texas in Beaumont. **Jonathan H. Clark** is with the Harris County District Attorney's Office in Houston. **Don J. Clevenger** is with Worsham, Forsythe & Wooldridge, Dallas. **Mark T. Clouarte** is with Fulbright & Jaworski, Dallas. **M. Coy Connelly** is with Bracewell & Patterson, Houston. **Christi J. Dickson** is with Bucholz & Associates, Dallas. **Darby V. Doan**, **Christi L. Irish**, **Susan Leonard**, and **David M. O'Dell** are with Haynes and Boone, Dallas. **Leigh Ann Karr Epperson** is a judicial clerk for Judge Barefoot Sanders of the United States District Court for the Northern District of Texas in Dallas and has accepted a position with Akin, Gump, Strauss, Hauer & Feld, Dallas. **Robert E. Felger** (LL.M. in Taxation) is of counsel to Wilson White & Copeland, Dallas. **Elsa G. Feldman** is a judicial clerk for Judge A. Joe Fish of the United States District Court for the Northern District of Texas in Dallas and has accepted a position with Carrington Coleman Sloman & Blumenthal, Dallas. **Todd A. Fisher** and **Charles C. Groves** are with Jones, Day, Reavis & Pogue, Dallas. **Kevin C. Gabelein** is with Fluke Capital Management, Bellevue, Washington. **Esteban H. Gonzales** is with Thompson Coe Cousins & Irons, Dallas. **John S. Gray** is with Fulbright & Jaworski, Houston. **David E. Harell, Jr.** is with McGlinchey, Stafford, Lang, Houston. **Bonnie G. Haynes** is with The Schmidt Firm, Dallas. **James N. Henry, Jr.** is with Vial, Hamilton, Koch & Knox, Dallas. **Brenda K. Hicks** is with Hicks & Hicks, Palestine. **Kelli M. Hinson** and **Roshan M. Zaman** are with Carrington Coleman Sloman & Blumenthal, Dallas. **Mark B. Holmes** and **Albert Lin** are attending the graduate tax program at Georgetown University Law Center. **Stephen T. Holmes** is a judicial clerk for Chief United States Bankruptcy Judge Henley A. Hunter of the Western District of Louisiana in Alexandria. **Christopher C. Jackson** has formed a solo practice in Kerrville. **Matthew L. Jones** is with Jones, Galligan & Key, Weslaco. **Stephen M. Jordon** is with Burford & Ryburn, Dallas. **Christopher W. Kennerly** is with Baker & Botts,

Dallas. **L. Bruce Lambert** is with Frank R. Jelinek, Inc., Arlington. **James D. McIntyre** is with Conant, Whittenburg, Whittenburg & Schachter, Dallas. **Khatonia O. McCartney** is with Frito-Lay Inc., Plano. **Anne E. McGrew** is with the Shelby County District Attorney's Office in Memphis, Tennessee. **Michelle A. Morgan** is with Melton, Weber, Whaley, Letteer & Mock, Dallas. **Michael J. Murray** is with the Collin County District Attorney's Office in McKinney. **Erin A. Nealy** is a judicial clerk for Chief Judge Henry A. Politz of the United States Court of Appeals for the Fifth Circuit in Shreveport and has accepted a position with Carrington Coleman Sloman & Blumenthal, Dallas. **Christopher Olive** is attending the master of laws program at the Centre for Commercial Law Studies, Queen Mary and Westfield College, University of London, England. **Neil G. O'Rourke** and **Carol B. Tan** are attending the graduate tax program at New York University School of Law; O'Rourke has accepted a position with Thompson & Knight, Dallas. **William B. Owens, Jr.** is a judicial clerk for Judge Donald E. Walter of the United States District Court for the Western District of Louisiana in Shreveport and will attend the graduate tax program at New York University School of Law. **Magdeline Rodriguez** is with Hughes & Luce, Dallas. **Eddie Sikes** is a judicial clerk for Judge Filemon Vela of the United States District Court for the Southern District of Texas in Brownsville. **Thomas R. Stauch** is with Burleson, Pate & Gibson, Dallas. **Tisha L. Tanaka** is with Byford & Associates, Dallas. **Ingrid C. Taylor** is with Stovall Goodman Wallace, Avon, Colorado. **Juan D. Walker** is with the United States Air Force Judge Advocate General's Corps. **Richard J. Vangelisti** is a judicial clerk for Judge Richard A. Schell of the United States District Court for the Eastern District of Texas in Beaumont and has accepted a position with Fulbright & Jaworski, Dallas. **Tina J. Yoo** is with the Dallas County District Attorney's Office in Dallas.

1995-96 CONTINUING LEGAL EDUCATION SCHEDULE

The Cutting Edge of Medical Liability
September 7-8, 1995—Dallas

1995 Banking Law Institute
September 14-15, 1995—Dallas

1995 Federal Tax Litigation Conference
September 28-29, 1995—Dallas

Litigating and Settling Environmental Enforcement Actions
October 12-13, 1995—Dallas

Powerful Witness Preparation
Featuring: **Ronald Jay Cohen**
October 19, 1995—Dallas
October 20, 1995—Houston

Evidence Law
Featuring: **Thomas A. Mauet**
November 16, 1995—Dallas
November 17, 1995—Houston

1995 Antitrust Conference
November 30-December 1, 1995
Dallas

Real Estate Law: Transactions In-Depth
January 26, 1996—Dallas
February 2, 1996—Houston

1996 Federal Civil Practice Seminar
February 8-9, 1996—Dallas

1996 International Law Symposium
February 22-23, 1996—Dallas

Real Estate Law: Leases In-Depth
March 1, 1996—Houston
March 8, 1996—Dallas

Litigation Program (subject to be announced)
Featuring: **James W. McElhaney**
March 21, 1996—Houston
March 22, 1996—Dallas

Advanced Civil Trial Short Course
April 11-12, 1996—Dallas
April 25-26, 1996—Corpus Christi

Twelfth Annual Institute on Commercial Lending
April 17-19, 1996—Dallas

Fourteenth Annual Multi-State Labor and Employment Law Seminar
May 8-11, 1996—Walt Disney Contemporary Resort, Lake Buena Vista, Florida

INTERNATIONAL GRADUATE NEWS

68 Kaarina Buure-Hagglund is the director of legislation in the Ministry of Justice in Finland. She met with law school Professor Peter Winship at the UNCITRAL annual meeting in Vienna, Austria, last May.

time housewife and mother, and enjoying motherhood very much. **Salvatore Vitale** is corporate senior counsel in the legal department of Alitalia in Rome, Italy.



Vanina Gaglin Paoli at work in the Palais du Luxembourg.

87 Kalley Chen and **Chien Lee Loh** are both with the law firm of Law & Arthur in San Francisco, Chen as a partner, Loh as managing partner.

90 Vanina Gaglin Paoli of Paris, France, met recently with law school Professor Jane Kaufman Winn. Paoli, who volunteered to help Winn with her research in Paris, is legislative aide to a senator and works in the Palais du Luxembourg. She is also studying for a doctorate in comparative securities law. Paoli told Winn that she had worked her way through SMU law school as the commercial representative of her home province, Champagne, and through this connection secured her

present position in the French Sénat.

92 Saskia H. Baan has accepted a position with the legal staff of Philips Electronics, a Dutch-based multinational corporation, in Eindhoven. **Sergio J. Zorrilla** has left Mexico City to accept the position of legal underdirector of Banco de Atlántico in Hermosillo, the capital city of the State of Sonora in Mexico.

94 Sultan M.K. Sultan, Qatar, is assistant manager (agreements) in the Legal and Contracts Department of Qatar General Petroleum Corp.

75 Jürgen Michael Gahrnau is vice-mayor of the City of Elmshorn, Germany.

85 Huey-ju (Judy) Liao writes from Taichung, Taiwan, that she and her husband have recently had their first child, Kevin, born in December 1994. Liao left her position with Philips Taiwan two years ago to be with her husband in London while he was pursuing medical research. Now she reports that she is a full-



LAW SCHOOL ALUMNI RECEPTIONS

Ambassador and Mrs. Raúl Granillo Ocampo acknowledge a set of SMU law school bookends given them as a sign of the law school's appreciation for their hosting the reception.

Receptions in Washington, D.C., and in Texas at Lubbock and San Antonio gave graduates a chance to get together, exchange news, and meet with Dean Paul Rogers.

In Washington, D.C., on March 29th, His Excellency **Raúl Granillo Ocampo**, LL.M. (C&I) '88, entertained more than 45 law school graduates from Washington, D.C., Virginia, Maryland, Delaware, and Pennsylvania. Among them were Congressmen **John W. Bryant**, '72, and **James L. Chapman**, '70. This is the second year that the ambassador has welcomed law school graduates to his residence.

In Lubbock, on April 25th, **Horace A. Mitchell**, '58, and Diane Mitchell, held an alumni breakfast at their home. Dean Rogers brought the graduates attending up-to-date on events at the law school.

In San Antonio, on June 1st, Dean Rogers hosted an alumni reception at the San Antonio Convention Center to coincide with the State Bar of Texas' annual convention. All law school graduates in Texas received an invitation.



Lubbock alumni breakfast at the Mitchells' home, clockwise from the top (of those seen): Horace Mitchell, '58, Mike Field, '72, Paul Rogers, Jim Moore, '48, Rod Shaw, '49, Norton Baker, '59, Helen Liggett, '90.



Above, top to bottom: Hon. Nikki DeShazo, '76, Hon. Craig Enoch, '75, Kay Enoch, '77, Hon. Joseph Devany, '54, Edward V. Smith III, '63.

Hon. Yukio Nozaki, '63, and Sayoko Nozaki from Nagoya, Japan, with Charles O. Galvin and Peggy Galvin.

Joe Boudreaux, '64, Hon. John Marshall, '75, Paul Rogers.

Right, top to bottom: Ron Goranson, '70, John Barnett, '74, Doug Parks, '70.

Charles Caperton, '64, Cynthia Sellers Johnson, '64, J.C. Labowitz, '74.

REUNION WEEKEND 1995

On April 7 & 8, 1995, the law school held its first Reunion Weekend. More than 250 law graduates (plus spouses and guests) from the classes of 1954, 1963, 1964, 1965, 1970, 1974, and 1975, came back to campus to celebrate. On Friday, April 7th, graduates were invited to be students again and to sit in on classes being taught that day. That evening Dean Rogers hosted a reception for all reunion graduates in the dean's suite in Storey Hall. On Saturday, April 8th, each reunion class had its individual class party at a location chosen by the class reunion committee.

After months of planning by the class committees, the weekend was a huge success. Graduates came from Arkansas, California, Illinois, Minnesota, Missouri, New Mexico, Oklahoma, Tennessee, Texas, Vermont, Virginia, and Wisconsin, and from as far away as Japan. Faculty members Alan R. Bromberg, Lennart V. Larson, Joseph W. McKnight, Walter W. Steele, Jr., and Howard J. Taubenfeld enjoyed renewing their acquaintance with former students.





Above: Members of the Class of 1954, Park City Club.

Left: Barbara Cole, Jack Cole, '54, Robert A. Gwinn, '54.



Above: Members of the Class of 1963, Royal Oaks Country Club.

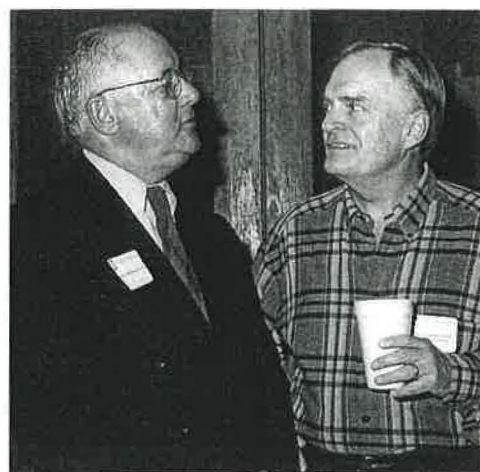
Left: Jan Tyler, '63, Frank S. Vaden III, '63.



Above: Members of the Class of 1964, Royal Oaks Country Club.

Left: Ernest Conner, '64, Professor Joseph W. McKnight.

GRADUATES



Above: Hon. Robert Blackmon, '65, Woody Henderson, '65.

Left: Members of the Class of 1965, Home of Lee Schepps, '65.



Clockwise from above: John Lodewick, '65, Michael T. Garrett, '65, Claire Garrett.

Hon. Ron Chapman, '65, Ruthie Scott, Brad Freeman, '65, Elisse Freeman, Sally Chapman, Winfield Scott, '65.

Robert L. Dillard III, '65, Joseph M. Hill, Jr., '65, Hon. Ron Chapman, '65.

Wallace Swanson, '65, Coleen Terrill, '65.





Above: Harriet Miers, '70, Michael Alexander, '70, Ken Wincorn, '70.

Left: Members of the Class of 1970, Margaux's Restaurant.



Above: Alvin Granoff, '75, reminisces with a classmate.

Left: Members of the Class of 1975, The Faculty Club, SMU.



Members of the Class of 1974, Lakewood Country Club.

CLASS OF 1989 REUNION PICNIC

The Class of 1989 Reunion Committee—Kristin Nilsson Bear, Susie Beilharz, Kelly Franklin, and Manuel Lena—arranged a picnic on June 11th for members of the class and their families. Those travelling farthest included Jo Ann Magno from California and Andrea Styles Wagner from Arkansas. Dean Rogers and Professors Lowe and Steinberg were on hand to welcome the graduates.



Dean Paul Rogers, Manuel Lena, Susie Beilharz, Kristin Nilsson Bear, Kelly Franklin, Associate Director for Alumni Relations Connie Harkins.



Members of the Class of '89 and their children; graduates Robyn Roan Smith, Mike Pipkin and Lisa Pipkin, Michael Hood and Sylvia Shortridge Hood.

REUNION COMMITTEES

- 1975 Kenneth K. Stephens, chair, Ben Admire, Ric Berger, Kathy Potts Boyett, Alvin Granoff, Susan Keith, Marigny A. Lanier, Hon. John M. Marshall, Steve McCown, Glenn A. Portman, Robert R. Smith, Nancy Strickland.
- 1974 John Barnett, John Leigh, John Lopez III, Wayne R. Miller, Hon. Charles Polk Player, Reed Prospere.
- 1970 J. Michael Alexander, chair, J. Chris Bird, John Cochran, Bill Countiss, John D. Jackson, Joseph H. Lazara, William J. McGowan II, Elmer Murphey III, Doug Parks, K. Mark Pistorius, Gary R. Rice, David W. Shuford, Kim R. Thorne, Howard D. Wilson, Kenneth Wincorn, Richard E. Zadina.
- 1965 Winfield Scott, chair, Scottie Ashley, Robert L. Dillard III, Stephen Dycus, Woody Henderson, Frank P. Hernandez, Hon. James W. Kerr, Jr., Lee M. Schepps.
- 1964 Joe N. Boudreaux, chair, John J. Eikenberg, Frank P. Hernandez, Richard M. Hull, Darrell Jordan.
- 1963 Allan Howeth, chair, John W. Clark, George Coleman, Wiley Doran, B. Merrell Frazer, Jr., Tom Gowan, Fred C. Head, Jack T. Ingram, John T. Simms, Edward V. Smith III.
- 1954 John D. Griggs, chair, Fred H. Benners, Cooper Blankenship, Jack Cole, Hon. Joseph A. Devany, Donald Mopsik, Joseph Redwine Patterson, John Thompson, James Tubb.

HONOR
ROLL
OF
GIVING



1994-95

NATIONAL LAW ANNUAL FUND, 1994-95

During the 1994-95 campaign year, it was my pleasure to serve as National Chairman of the SMU School of Law Annual Fund. At the outset of this report, let me say that you, the law school and its students were ably served by a dedicated group of Class and Reunion Gift Chairmen and Chairwomen. The willingness of these thirty-seven friends to personally seek new and added support from fellow classmates among our SMU law school community was instrumental in the success of a campaign that raised \$1,970,908. Each is recognized at the beginning of the listing of his or her respective class.

Additionally, the C.S. Potts Society was formed of the first twenty-five graduating classes and their collective giving is in this report. Dean C. Paul Rogers III served as one of the Gift Chairmen for these historically important classes.

In June, those campaign leaders who could joined Dean Rogers at the law school to review the figures that are the basis of this report on the 1994-95 Law School Annual Fund. Through May 31, 1995, thirty-eight classes exceeded last year's total. You can see the results in the attached report. Total annual fund gifts from grads of \$473,867 exceed last year's total of \$294,930. We were particularly fortunate to receive \$155,000 of that from two gifts noted in the report.



Leticia Vigil, '88, and Patrick Respeliars, '87, review results of the 1994-95 Law School Annual Fund.



Fred Fowler, '71, Jim Rushing, '57, and Major Ginsberg, '62, were among the Class Gift chairs meeting at the law school to finalize the 1994-95 Law School Annual Fund.

The figures are rewarding, while leaving room for higher levels of achievement. Eleven hundred forty-two (1142) alumni of the nearly 7,400 J.D./LL.B. graduates made gifts, a participation rate of 15.8% but one that is half the participation rate of ten years ago.

All of this strongly suggests a solid core of graduates who continue to support the annual fund, but who carry a disproportionate share. Future campaigning will have to commit to a more personal level of contact to increase the participation rate to levels nearer the 30% that was historically true.

The Class and Reunion Gift leadership and the donors—graduates and others—who are recognized in this report set an example by being among the most responsive to the annual fund, and by serving as advocates for the needs of the law school through additions to endowment. We can only hope all law school graduates will respond to this fine example. Each of us must continue to work strongly on behalf of the law school in strengthening the tradition of private support.

The impact of private financial support—through gifts each year to annual operations and additions to endowment—allows the school to remain true to the goal of developing skilled lawyers who also are community leaders.

Those among the SMU law community recognized in the following pages enhance the quality of life of today's students; strengthen the ability of the school to attract and retain superb faculty; and enrich the curriculum and keep it vibrant. They also make a statement to the larger community of the value of the private legal education they received and from which they benefit.

An added gift from our alums and friends is that by such examples today's student, as the next beneficiary, comes to understand this tradition of financial support and the importance of sustaining it.



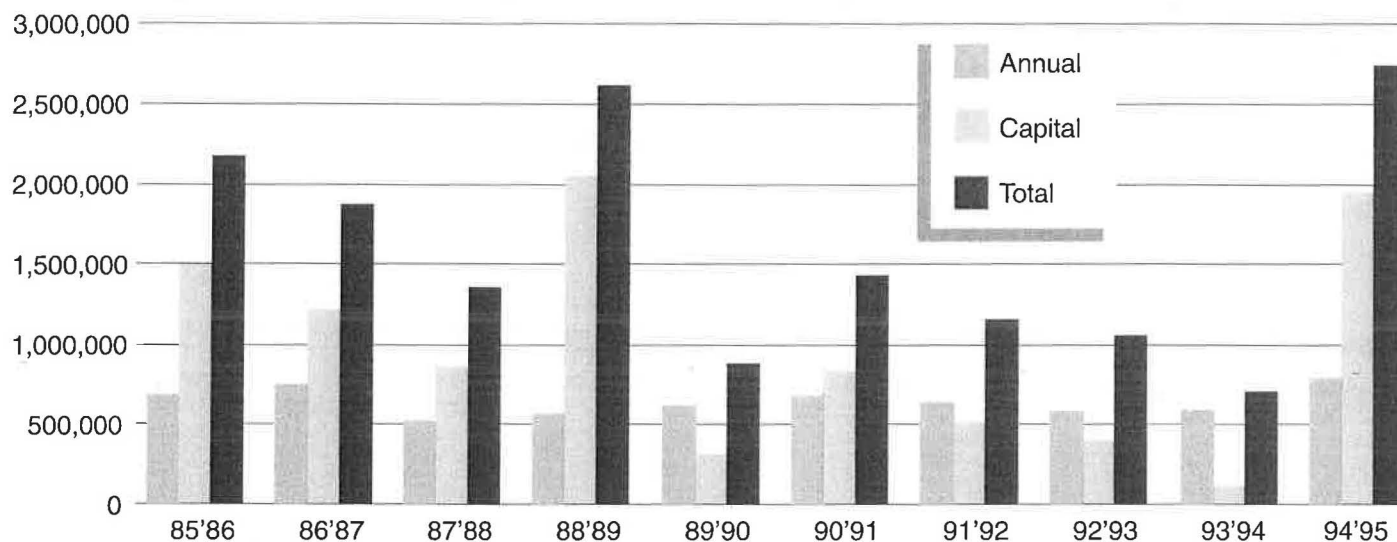
Webber W. Beall, Jr., '59

A handwritten signature in cursive script, reading "Webber W. Beall, Jr." The signature is written in dark ink on a light background.

Webber W. Beall, Jr.

SMU SCHOOL OF LAW ANNUAL FUND, 1994-95, AS OF MAY 31, 1995

		FY 95	FY 94	\$CHG
Annual Gifts	Alumni	\$ 473,867	\$ 294,930	\$ 178,937
	Foundations	126,176	113,850	12,326
	Firms & Corporations	180,225	178,844	1,381
	Other	12,417	13,329	< 912>
	Subtotal	792,685	600,953	191,732
Capital Gifts	Alumni	1,104,377	17,485	1,086,892
	Foundations	-0-	1,000	< 1,000>
	Firms & Corporations	23,500	43,125	<19,625>
	Other	50,345	53,391	< 3,046>
	Subtotal	1,178,222	115,001	1,063,221
Endowment Income		1,771,136	1,682,579	88,557
Fiscal Year Totals		\$3,742,043	\$2,398,533	\$1,343,510

LAW SCHOOL ANNUAL FUND FY 85-86 THROUGH FY 94-95**DESIGNATION OF ANNUAL FUND GIFTS BY DONORS**

Scholarship/Financial Aid	20.2%
Faculty	6.2%
Dean's Discretion	20.6%
Clinics	2.3%
Moot Court/Mock Trial	11.0%
Library	10.2%
Unrestricted	5.9%
*Physical Plant	23.6%
Total	100.0%

*Physical plant includes gifts of \$130,000 and \$25,500 for renovation and computerization.

HONOR ROLL OF DISTINGUISHED GRADUATE SUPPORT

The School of Law is pleased to acknowledge leading contributors from among its graduates. The impact of contributions to the Law School Annual Fund is heightened by their participation at exemplary and challenging levels. As a result of such support, the School of Law is able to maximize the investment it makes in private legal education at a time when both the legal profession and legal education face daunting challenges.

These donors are recognized as the school's most generous annual fund benefactors. Support at these levels enhances the school's ability to sustain a quality program of private legal education.

Dean's Circle—Above \$25,000

ANNE ADAIR DUNLAP '81 AND HON. CASWELL J. DUNLAP '76

SMU LAW ALUMNI ROC

DEREK N. S. CHENG '80

YA-WEN CHIU '70

HENRY R. KWEI '66

CHUN LI '56

HORNG-JYN LIN '85

J.K. LOH '59

TA-WEI SOONG '90

FELIX H.T. TSAI '78

Law Tuition Sponsor \$10,000 - \$24,999

LIONEL E. GILLY '49

JOHN T. SHARPE '60

LELAND W. CARTER '58

FRANK L. BRANSON III '69

ELLEN K. SOLENDER '71

DAVID N. LEONARD '81

Robert Storey Fellows \$5,000 - \$9,999

CHARLES W. HALL '54

TIMOTHY P. REAMES '61

WILSON D. FARGO '69

AMB. RAUL GRANILLO OCAMPO '88

Faculty Fellow \$2,500 - \$4,999

JOHN D. WILLIAMSON JR. '57

ALAN D. FELD '60

R. WINDLE TURLEY '65

MICHAEL M. BOONE '67

GEORGE E. SEAY JR. '68

EMILY A. PARKER '73

GLENN PORTMAN '75

EDWARD B. RUST JR. '75

JOHN W. BICKEL II '76

JOHN R. HOWIE '76

MELVIN D. MORGAN '78

Law Senior Partner—\$1,000 - \$2,499

L. LUTON HENSON '31

WILLIAM W. FAIR JR. '35

HARVEY L. DAVIS SR. '40

EDWARD C. FRITZ '40

GEORGE GARRISON POTTS '47

GARNETT KELSEY JR. '48

J. KIRBY ELLIS JR. '49

WILLIAM O. BRAECKLEIN '50

CHARLES J. WINIKATES '50

A. E. COLLIER '52

JAMES N. HAMBRIGHT '52

DR. ANN VAN WYNEN THOMAS '52

JAMES A. KNOX SR. '53

CARL J. SCHMOLDER '53

J. REDWINE PATTERSON '54

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SIDNEY STAHL '56

WALTER W. STEELE JR. '57

JOHN H. MCELHANEY '58

HARRY R. SHAWVER JR. '58

WEBBER W. BEALL JR. '59

MARSHALL J. DOKE JR. '59

J.K. LOH '59

MARVIN MENAKER '59

EDWARD A. COPLEY JR. '60

ROBERT L. MEYERS III '60

BENJAMIN T. WAGES '60

CHARLES A. TARPLEY '61

HOUSTON E. HOLMES JR. '62

KARL C. HOPPESS '62

THOMAS A. ADAMS III '63

ALLAN HOWETH '63

RAYBOURNE THOMPSON JR. '63

FRANK S. VADEN III '63

R. TED ENLOE III '64

DARRELL JORDAN '64

DOUGLAS D. MULDER '64

PETER M. TART '64

MICHAEL T. GARRETT '65

CHARLES M. SOLOMON '65

JESSE HEATH '66

GARLAND H. LASATER JR. '66

CARL W. MCKINZIE '66

RONALD PALMER '66

JOHN ESCH '67

JAMES L. IRISH III '69

LAWRENCE STUART JR. '69

JAMES P. BRADLEY '70

HARRIET E. MIERS '70

DENNIS L. LUTES '72

EVELYN H. BIERY '73

MARK C. CLEMENTS '73

A. L. (DICK) DENT III '73

BURTON H. GILBERT '73

RALPH JONES '73

MARC H. FOLLADORI '74

ORRIN L. HARRISON III '74

E. CARY MOORE III '74

CHARLES H. SMITH '74

JUDITH K. JOHNSON '75

DAVID B. DILLON '76

D. BOBBITT NOEL JR. '76

THOMAS H. OWEN JR. '76

MICHAEL R. ROCHELLE '76

ROBERT A. MOSBACHER JR. '77

HON. JAMES SEARS BRYANT '78

JOHN Z. HECKER '79

ROBERT C. LYON '79

W. PHILLIP WHITCOMB '79

MARCEL KREIS '80

JOHN S. JOSE '81

DOROTHY H. BJORCK '82

CHARLES WINIKATES JR. '84

WILLIAM F. GORDON '87

REX H. GIBSON '88

DANA TAIT PETRUZZELLI '88

Y. LETICIA VIGIL '88

JUDY K. SHORE '90

MICHAEL W. SHORE '90

REGINA MENTESANA '91

MARK HAYES '92

RECOGNITION OF SUPPORT BY GRADUATES

(Q) LAW PARTNER \$500 - \$999
(H) LAW ASSOCIATE \$250 - \$499
(C) ASSOCIATE \$100 - \$249
(A) ALUMNI DONOR \$1 - \$99

C.S. Potts Society (1928-1952)
Total: \$30,299

(Q) WILL R. WILSON SR. '37
(H) CLAUD O. BOOTHMAN '33
ROBERT L. DILLARD JR. '35
WILLIAM B. BROWDER JR. '36
CLOVIS G. CHAPPELL JR. '36
HARRY A. SHUFORD '39
CORNELIUS O. RYAN '40
GEORGE Q. SEALE '47
JOHN F. HOLT II '48
JOHN P. KOONS '48
LOUSIE W. LESLIE '48
BEN G. RAMSEY '48
H. MATHEWS GARLAND '51
PAUL S. ADAMS JR. '52
GEORGE S. FINLEY '52
W. H. FOGLEMAN JR. '52
JAMES R. PAXTON '52
LOUISE B. RAGGIO '52
HERBERT V. WALES '52
(C) WILLIAM C. MILLER '30
E. TAYLOR ARMSTRONG '31
HERSCHEL JAFFE '34
SHERMAN KAPLAN '34
HARMON WATKINS '39
JACK CROSLAND '40
H. LOUIS NICHOLS '40
ROBERT F. RITCHIE '41
J. EDWIN FLEMING '41
ROY E. JACOBIE '41
CHARLES A. ABBOTT '42
JOHN C. COX JR. '42
PHILIP A. SILVERBERG '42
MINNIE F. SOLOMONSON '42
STEWART MORRIS '43
EDWIN S. TOBOLOWSKY '43
MRS. HARMON WATKINS '43
ROBERT D. MADDOX '45
E.W. BOEDEKER '47
GARNETT DAVIS '47
JOHN L. SULLIVAN '47
HON. OWEN M. GILES '48
JAMES F. MOORE II '48
RALPH W. WILSON '48
DAVID J. HUNDAHL '49
WILLIAM A. HUNTER '49
HON. RODRICK L. SHAW '49
JOHN J. TEMPLIN '49
HON. CLYDE R. ASHWORTH '50
ALFRED W. DAVIS JR. '50
HON. HARRY W. HOPKINS '50
SHANNON JONES JR. '50
WILLIAM ODENEAL JR. '50
COL. HARRY G. ROWLINSON '50
WAYNE S. SMITH '50
ROBERT CALDWELL '51
WALTER G. HARTLEY JR. '51
CHARLES KROL '51

JOHN W. MCKEE '51
RAY L. POLLOCK '51
VACTOR H. STANFORD '51
DEAN CARLTON '52
JERRY N. JORDAN '52
WAYNE A. MELTON '52
FRANK NORTON '52
JACK A. TITUS '52
(A) LOGAN FORD '30
MARSHALL CLOYD '31
HON. H. FRED MARTIN JR. '32
ESIR TOBOLOWSKY '32
EMORY SMITH '37
SYLVAN I. TOBOLOWSKY '38
RAY R. SIMPSON JR. '39
GEORGE M. ALFORD '42
JANE HALE '47
RUFUS MCKNIGHT JR. '47
VIRGINIA E. DUFF '48
GUY T. BUELL '49
JOHN F. MAXFIELD '49
FRED HARLESS '50
HON. WILLIAM R. SHAVER '51
MERL H. SCHEFFEY '52

1953 - James A. Knox, Sr.
Total: \$3,835

(H) HON. MAX N. OSBORN
(C) CORWIN C. CONNELL
WILLIAM J. DAVIS
VARDIE R. DELK
THOMAS L. FIEDLER
DEAN V. GROSSNICKLE
ROBERT B. PAYNE SR.
HON. HUGH T. SNODGRASS
(A) RICHARD L. STANFIELD

1954 - J. Redwine Patterson
Reunion Total: \$11,490

(Q) JACK E. CROZIER
(H) COOPER BLANKENSHIP
(C) FRED H. BENNERS
JAMES V. BLISS
HON. JOE B. BROWN JR.
HON. BEN F. ELLIS
LEONARD R. HASSELL
HON. ALEX H. MCGLINCHEY
BENJAMIN E. PICKERING
TREVOR W. REES-JONES
JAMES C. TUBB
(A) ORA ADAMS
HON. ROBERT E. PRICE

1955 - John C. Biggers
Total: \$2,035

(H) WILLIAM F. COURTNEY
PERRY R. MCPHERSON
DARRELL C. MILLER
(A) JOHN C. BIGGERS
ROBERT H. SHOWN
DR. JOHN W. STEVENSON
RONALD M. WEISS

1950 - Louis J. Weber, Jr.
Total: \$4,400

(Q) FRANK S. LA BARBA JR.
ROBERT K. PACE
LOUIS J. WEBER JR.
(H) FRANK W. ROSE
(C) HAROLD M. BATEMAN
DONALD P. BROCKIE
DURANT F. CLEMENTS
BENJAMIN R. COLLIER
J. ROBERT DOBBS JR.
CHUN LI
LESTER E. SMITH JR.
WILLIAM THOMAS
RICHARD S. WHITESELL JR.
GERRY N. WREN
(A) THOMAS E. TOONE

1957 - James K. Rushing
Total: \$0,320

(H) BERNARD C. MCGUIRE SR.
NEIL J. O'BRIEN
WILLIAM D. POWELL
(C) PETER S. CHANTILIS
HON. CHARLES R. DICKENSON
BARNETT M. GOODSTEIN
HARLAN HARPER JR.
IVAN IRWIN JR.
DR. TZE-CHUNG LI
MARION L. MASSEY
ALLAN T. NANCE
JOHN B. NELSON
JAMES K. RUSHING
LEE TURNER JR.
(A) DONALD C. APELAND
H. WAYNE WILE

1958
Total: \$15,720

(Q) WILLIAM F. BOWLES
R.W. CALLOWAY
MORTON L. SUSMAN
(H) ROBERT J. FOREMAN
JERRY L. LASTELICK
EUGENE B. PFLUGHAUPT
(C) T. GARY COLE JR.
B.D. GILLENLINE
WILLIAM C. KOONS
HORACE A. MITCHELL
(A) DWIGHT D. ARTHUR
JAMES W. LEFTWICH

1959 - Webber W. Beall, Jr.
Total: \$7,175

(H) LARRY L. GOLLAHER
GEORGE R. MILNER
JOE A. STALCUP
(C) HON. L. GENE ATER
BRUCE W. BOSS
G. ALLEN BUTLER
E. MARVIN COLLINS
EUGENIO CAZORLA
BOBBY D. DYESS

CLAUDE H. GRESHAM
W. GORDON HOBGOOD JR.
KENNETH B. KRAMER
HERSCHEL A. MARTIN
DONALD F. PADGETT
DANIEL W. STANSBURY
JAMES A. STOCKARD
TOMMY R. YATES
(A)E. STEVE WATSON

1960 - Larry L. Bean
Total: \$21,841

(Q)LESTER V. BAUM
LARRY L. BEAN
DONALD A. SWANSON JR.
(H)J. ALLEN DOUGHERTY
ROBERT A. FANNING
WILLIAM E. LIVINGSTONE III
JAMES W. ROSE
(C)JEROME D. BENNETT
DAVID S. CURTIS
JOHN A. FLYGARE
TOM D. MATTHEWS JR.
HON. DONALD J. METCALFE
SAM ROSEN
LAWRENCE E. STEINBERG
(A)E. KARL ANDERSON

1961 - L. Henry Gissel, Jr.
Total: \$9,015

(Q)L. HENRY GISSEL JR.
DAVID E. VARNER
(H)CHARLES A. JOPLIN
THOMAS A. LOOSE
(C)HON. RICHARD N. COUNTISS
JIM L. COLLINS
DANNY D. ECHOLS SR.
HON. B. SUE GOOLSBY
JOHN P. MCCALL
RALPH L. MCDOWELL
GEORGE H. NELSON
JOHN W. PAYNE
REX H. REED
EDWIN G. RULAND
JAMES T. RUDD
RICE M. TILLEY JR.
DONALD H. WILLS
(A)JOHN R. GREENSTREET
THOMAS B. JOHNSON JR.
LEON A. SMITH
JOANN PETERS

1962 - Major C. Ginsberg
Total: \$3,750

(Q)MAJOR C. GINSBERG
(H)WAYNE B. BARFIELD
STEVEN K. COCHRAN
KENNETH D. FULLER
KENNETH M. JACKSON
A. BOYD WAGGONER
HARRY K. WASOFF JR.
(C)WILLIAM C. HEADRICK
DR. DONALD W. JACKSON
DON R. KIDD
DONALD J. MALOUF
LAWRENCE R. MAXWELL JR.
WILLIAM H. MCRAE
(A)BRUCE YOUNGBLOOD

1963 - Frank S. Vaden III
Reunion Total: \$7,570

(H)HARRY W. CRUTCHER III
BYRON L. FALK
ROBERT W. MINSHEW
(C)JAMES L. CROWSON
DAVID DONOSKY
WILEY DORAN
FRED C. HEAD
HOWARD D. JOHNSON
JACK D. KNOX
MARSHALL G. MARTIN
C. TED RAINES JR.
HENRY SEELIGSON II
KENNETH E. SHOLLENBARGER
FORREST SMITH
G. DENNIS SULLIVAN
(A)PHILIP A. DAVENPORT
JOHN T. GORMAN
JACK T. INGRAM
HON. BILLY D. MILLS
DR. JOSEPH H. SCHLEY JR.
JOHN T. SIMMS

1964 - Peter M. Tart
Reunion Total: \$4,915

(H)FRANK P. HERNANDEZ
RICHARD M. HULL
THOMAS F. SEDBERRY
DENNIS L. WHITE
(A)VILMA A. BASS
JAMES E. INGRAM JR.
FRED J. KOLODEY
ROBERT J. SHOEMAKER
JOE H. WARD JR.

1965 - Charles M. Solomon
Reunion Total: \$13,125

(Q)JAMES W. CURLEE
HON. ROBERT E. DAY
R. BRUCE LABOON
ROBERT G. MEBUS
TOM J. STOLLENWERCK
J. RUFUS WALLINGFORD
JERRY B. WILLIAMSON III
(H)FRANK M. BURKE JR.
YA-WEN CHIU
ROBERT L. DILLARD III
HON. THOMAS K. JENKINS
FORREST L. JONES
ERLE A. NYE
JOHN W. LODEWICK
JOSEPH. R. RILEY
WALLACE M. SWANSON
(C)SCOTTIE H. ASHLEY JR.
JAMES WILLIAM CARDWELL
J. STEPHEN DYCUS
RAY A. GOODWIN
WILLIAM R. GUTOW
WILLIAM B. PASLEY
ROGER R. SCOTT
LEE M. SCHEPPS
DR. DON M. SMART
(A)GAYLE ELIZABETH CANNON
C. ALAN FERGUSON
HON. JAMES W. KERR JR.

WINFIELD W. SCOTT
DR. V. LAWRENCE SEWELL
DAVID O. TURNER

1966 - David G. McLane
Total: \$10,155

(Q)JOSEPH F. CANTERBURY JR.
DAVID A. LAKE
THOMAS W. LUCE III
DAVID G. MCLANE
MAURICE E. PURNELL JR.
RICHARD G. ROGERS
ANTHONY D. SCHLESINGER
HON. RALPH E. TAITTE
(H)JOHN L. PRIMMER
HON. ANNETTE STEWART
(C)FAITH F. BIGGS
JACK H. DAVIS
LINDA W. HART
THOMAS H. KENNERLY
BGEN. M.S. MAGERS
MARK R. SAITER
D. LYMAN STUBBLEFIELD
RONALD L. WILKINSON
DALE WOOTTON
(A)LARRY FELDMAN
LEO W. GOATES
JOHN E. HUMPHREYS
DONALD R. SCOGGINS

1967 - A. J. Harper II
Total: \$9,225

(Q)A.J. HARPER II
CHARLES J. MCGUIRE III
PATRICK O. WADDEL
(H)WILLIAM T. HILL JR.
F.M. KNAPP JR.
GERALD W. LIVINGSTON
JOSEPH J. MCCAIN JR.
W. BARTON MUNRO
(C)HARRY E. BARTEL
MICHAEL C. DODGE
ROY E. ENGLISH
LEO M. FAVROT
GARY R. FRITZSCHE
RICHARD L. HAUSSLER
WALTER J. HUMANN
HON. DAVID D. JACKSON
DR. JAMES T. JOHNSON
WESLEY J. KETZ JR.
ALLEN W. MCCLURE
MICHAEL N. MABERRY
EDWARD C. OSTERBERG JR.
ROCKNEY D. PLETCHER
W. NORMAN ROTH
JERRY D. RUCKER
H. C. SIBLEY JR.
MICHAEL M. WADE
JAMES H. WALLENSTEIN
(A)MANUEL J. BEHNE JR.
WESLEY C. BRISTER
STEWART S. FRAZER III
TOM D. JESTER JR.
EDWARD S. KOPPMAN
HON. JON M. SPARLING

1968 - Clarice M. Davis
Total: \$6,559

(Q)STEVE A. UNGERMAN
(H)LAWRENCE J. BRANNIAN
T. TERRELL LASLEY
(C)OVERTON S. ANDERSON II
JERRY L. ARNOLD
ROLAND T. BANDY JR.
JOHN D. BOX
JIM BURNHAM
ROGER C. CLAPP
JAMES N. DEARIEN
DAVID M. ELLIS
RICHARD HARTGROVE
BILLY B. JARVIS
W. RICHARD JONES
JAMES A. MATTOX
ROBERT E. MELLOR
JAMES M. PATTERSON JR.
DR. OSBORNE M. REYNOLDS JR.
JOHN E. RINEHART JR.
STEVEN C. SALCH
DANIEL R. SHEEHY JR.
THOMAS P. STITT
JERRY M. TRAVER
ROBERT N. VIRDEN
PATRICK G. WOOSLEY
(A)T. NEAL COMBS
JOSEPH A.I. WORSHAM

1969 - Jack R. Dugan
Total: \$28,406

(Q)JACK R. DUGAN
FREDERICK W. MARSH JR.
DAVID R. SNODGRASS
(H)HUGH T. BLEVINS JR.
HON. SAM B. BOURNIAS
PETER A. FRANKLIN, III
WAYNE L. FRIESNER
HENRY W. GRENLEY
GEORGE S. MCKEARIN III
RICHARD B. OTSTOTT
(C)DOUGLAS H. CONNER III
JEFFREY L. FUTTER
HUGH E. HACKNEY
HENRY R. KWEI
JOSEPH W. SHEEHAN
AUBYN K. SHETTLE JR.
WILLIAM C. SHRADER
(A)WILLIAM G. DUFF
WILLIAM J. LINZY JR.
WALTER D. PHILLIPS
THOMAS C. RAILSBACK
FREDERICK E. REHFELDT

1970 - Robert B. Cousins, Jr.
Reunion Total: \$7,951

(Q)JOHN H. COCHRAN
STANFORD M. KAUFMAN
DAVID L. NELSON
(H)ROBERT B. COUSINS JR.
BILLY D. EMERSON
JOHN D. JACKSON
W. WILSON JONES
ELMER MURPHEY III
R. MICHAEL PARKER

THOMAS G. RUNDELL
DAVID W. SHUFORD
(C)MARTHA H. ALLAN
LOIS C. BACON
J. CHRIS BIRD
HON. BILLY F. COKER
LYMAN G. HUGHES
PHILLIP R. JONES
B. CARL KLINKE
CHARLES F. PLENGE
PERRY M. RAYMOND
GARY R. RICE
MARC H. RICHMAN
WILLIAM A. STEWART
K. BRUCE STICKLER
KIM R. THORNE
HOWARD D. WILSON
KENNETH G. WINCORN
(A)P. MIKE ALLISON
W.F. COUNTISS
DAVID L. JACKSON
DAN H. LEE III
RICHARD B. LIVINGSTON
RICHARD B. TURBIVILLE
ARTHUR W. ZEITLER

1971 - Frederick J. Fowler
Total: \$16,338

(Q)MICHAEL L. KENTER
E. RUSSELL NUNNALLY
(H)FREDERICK J. FOWLER
HAZEL R. HOFFMAN
JACK C. SPILLMAN
GARY W. WESTERBERG
CLARK S. WILLINGHAM
(C)C. CLINT ADAMS
IRA D. EINSOHN
MICHAEL A. FISHER
THOMAS P. GORANSON
JARROLD A. GLAZER
JOHN M. JACKSON
ANTHONY M. KAUFMAN
ROBERT N. PRICE
IRV W. QUEAL III
DAVID TUGGLE
R. KNOX TYSON
TIMOTHY J. VINEYARD
(A)JAMES C. GRAY
CLYDE C. JACKSON JR.
LAWRENCE R. SESSOMS
RICHARD B. SEWARD

1972 - P. Thomas Mann
Total: \$7,110

(Q)JAMES E. BROWN
CHARLES L. CAIN
T. MIKE FIELD
JOHN N. HOVE
PHILIP J. PFEIFFER
DARREL A. RICE
PAUL D. SCHOONOVER
LARRY W. WALL
(H)MOLLY C. ANDERSON
R. DENNIS ANDERSON
(C)ROBERT L. ABBOTT
STEPHEN G. BARNETT
PETER R. BIRD
JOHN G. CHAPMAN
DON W. DURAN

JAMES S. LACORTE
MIKE MCCURLEY
STEVEN C. METZGER
HARRY L. NAJIM
HON. JOHN D. RAINEY
JOHN D. SOLANA
DANIEL F. SUSIE
(A)ROBERT G. BOYDSTON
JAY C. COUNTS
JERRY A. KAGAY
STEPHEN A. LERER
JOSEPH A. STRODE
CHARLES H. WATERS JR.

1973 - A. L. Dent III
Total: \$12,410

(Q)M. RUSSELL KRUSE JR.
MICHAEL L. PARHAM
HENRY B. PAUP
FRED W. SCHWENDIMANN III
(H)JOHN L. CARTER
MALCOLM D. GIBSON
BOB D. HARRISON
JOSEPH A. KRAL III
DONALD H. SNELL JR.
(C)DAN D. AARON
WILLIAM M. BASS
BENJAMIN H. BEST II
DONALD P. FAY
R. BRENT HARSHMAN
LYNN P. MAITSON
ROBERT A. MCCULLOCH
LARRY V. SMITH
MICHAEL D. STEIN
NELSON C. VESTAL JR.
(A)JAMES A. MEZVINSKY
DAVID P. ROWLAND
RAY B. RUSSELL

1974 - Orrin L. Harrison III
Reunion Total: \$13,725

(Q)ROGER Q. BECK
CHARLES B. BREWER
H. STEVEN BROWN
SUZANNE COCHRAN
EDWARD O. COULTAS
WILLIAM D. HAYWARD
DAVID MOSELEY JR.
DENNIS N. RYAN
CHARLES H. SMITH
FLOYD M. THOMAS JR.
RONALD S. WEBSTER
(H)WILLIAM P. BIVINS JR.
JAMES N. COWDEN
CHARLES E. FALLEN
JOANN H. MEANS
TERRY R. MEANS
STEPHEN S. MIMS
PETER G. PIERCE III
JOSEPH F. SMITH
ROGER M. TIMBY
JOHN H. WASHBURN
WILLIAM D. WILES
(C)JERRY W. ASHBY
MARK B. BAKER
HON. U. SIDNEY CORNELIUS JR.
JEFFRY R. DAVIS
HENRY W. DUBOIS
WILLIAM S. GARNER JR.

ELLIOTT S. GARSEK
HON. NATHAN L. HECHT
JERRY L. HIERSCH
HARRY A. JOHNSON III
RAYMOND B. KELLY III
GARY S. KESSLER
JOHN R. LEIGH
FLETCHER C. LEWIS
JOHN LOPEZ III
JOE M. PARNELL
HON. CHARLES P. PLAYER
DAVID N. REED
HOWARD C. RUBIN
BETINNA SCHONFELD-SOLOMON
RICHARD L. STANFORD
(A)MILES TEEL BIVINS
MICHAEL S. COPELAND
THOMAS D. COPELAND JR.
JOHN P. GARGAN
DEE L. THOMAS

*1975 - Stephen S. Maris
Reunion Total: \$13,270*

(Q)JEFFREY C. LONDA
THOMAS A. CIPOLLA
(H)J.K. FLYNN
JEFFREY S. LYNCH
TED B. LYON JR.
(C)MICHAEL E. ALEXANDER
LAWRENCE E. ACKELS JR.
BEN H. ADMIRE
JAMES L. AUBUCHON
DAVID B. BAXTER
PAUL M. BOHANNON
RICHARD F. BROWN
STEVEN D. BROWNE
JOHN J. BRUNETTI
RONALD L. CAMPBELL
STEPHEN B. EARLY
HON. CRAIG T. ENOCH
PAUL W. GERTZ
DANIEL B. HATZENBUEHLER
THOMAS J. HOWELL
WAYNE R. JOHNSTON
CHARLES D. KNELL
KIM D. KRAHENBUHL
DAVID W. LEDYARD
CHRIS A. LORENZEN JR.
GARY J. MANNY
STEVEN R. MCCOWN
JOHN W. MIZE
JAMES R. O'NEILL
HON. ROBERT H. RAVENHILL
BYRON H. RUBIN
HON. LAMAR S. SMITH
GEORGE SOLARES
PHIL N. VANDERPOOL
JAMES L. VEACH
JOHN R. WOODWARD
JOHN M. WULFERS
RONALD F. YATES
(A)MICHAEL A. BUCEK
KENNETH L. BUETTNER
JAMES B. DAVIS
STEVEN R. FREDRICKSON
KATHLYN GRAVES
FRANCES E. HUTCHISON
RICHARD S. JOHNSON
HON. JOHN M. MARSHALL

BRADFORD C. PEABODY
HON. RICHARD A. SCHELL
PHILIP M. SEIB
ROBERT R. SMITH JR.
DONALD G. STANFORD
BARRETT W. STETSON
DR. THOMAS W. WARNER
CHARLES R. WILSON

*1976 - John W. Bickel II
Total: \$18,401*

(Q)DAVID J. GRAHAM
JAY C. HOWELL
JAY G. MARTIN
JAMES C. NORMAN
(H)HORACE N. CUNNINGHAM III
RICHARD G. DAFOE
MARILYN H. ELAM
LAUREN G. HUTT
CAROL N. KING
ALAN S. LEIBEL
HON. STEPHEN N. LIMBAUGH JR.
ROBERT E. LUXEN
LESLIE G. MCLAUGHLIN
EDWARD H. PERRY
GERALD S. REAMEY
ROBERT H. SINGLETON JR.
(C)BARTON R. BENTLEY
ARMAND T. CARIAN
TIMOTHY J. CUSACK
JOHN C. DACUS
DOUGLAS G. EASON
BILL F. HICKS
J. GRAHAM HILL
JOANN G. LOPEZ
LEONARD D. LOWRY
ROBERT F. MCBEE
KENNETH H. MOLBERG
PAUL W. PEARSON
LYLE D. PISHNY
MARGARET B. SHANNON
WILLIAM D. SHEPPARD
ROBERT B. WALLACE JR.
STEVEN WOLENS
GARY F. WILEY
(A)DONALD L. BARLEY
MARY S. BLACK
PAUL W. PEARSON
BARBARA B. RAILSBACK

*1977 - Adele S. Buchman
Total: \$10,025*

(Q)KARL R. ALBERT
MICHAEL R. BOULDEN
ADELE S. BUCHMAN
(H)WILLIAM J. BUX
SUSAN S. DUNN
ROBERT L. FELDMAN
PAUL N. GOLD
J. STEPHEN KING
MICHAEL Y. MACKINNON
KATHRYN C. MALLORY
HAROLD D. MALLORY
RICHARD K. MARTIN
MARK S. MCQUALITY
ROBERT T. MOWREY
MICHAEL P. PATTERSON
RANDALL L. SCHMIDT
ANDREW F. SPALDING

(C)MITCHELL BADDOUR JR.
STAYTON M. BONNER
MARTIN E. BROUSSARD
DORA M. BROWN
JAMES L. DEEM
JOEL M. EASTMAN
KAY B. ENOCH
JOSEPH W. FORAN
DAVID R. GLENDINNING
DAVID M. LANEY
G. ROLAND LOVE
JAMES E. MCCLAIN JR.
T. SUE B. MORGAN
DANIEL C. PEREZ
MARTIN J. RUBIN
JANICE V. SHARRY
MICHAEL SHARRY
MORRIS K. WITHERS
R. RANDALL WOOLEY II
MARK ZVONKOVIC
(A)STEPHEN C. CRANE
JEFFREY A. HAGE
RICHARD J. HELSPER
JON M. KELLY
DOLLY KYLE
LAURIE R. MCCALLUM
MILAM R. PHARO
FRANK SHOR
RICKY G. SMITH
BRUCE J. STENSURD

*1978 - Theodore Campagnolo
Total: \$30,029*

(Q)NELSON A. BANGS
THEODORE CAMPAGNOLO
DAVID J. LOWERY
DOUGLAS J. PAHL
DAVID M. PRICHARD
(H)BRYAN F. SMITH JR.
LAWRENCE M. WOLFISH
(C)HON. LEE ANN DAUPHINOT
GARY D. ELLISTON
ROBERT W. FISCHER
CHARLES R. GIBBS
C. WESLEY JEANES
GUY H. KERR
MICHAEL L. KREAGER
ROBERT C. PATE
THOMAS P. RANDT
G. DAVID RINGER
MAIRIN N. TERRY
(A)WILLIAM W. CAMMACK II
KELLY J. COGHLAN
DANIEL A. DELL'OSA
JOHN K. DUNLAP
RICHARD A. KEFFLER JR.
JAMES H. MOODY III
CHRISTOPHER W. VENTERS

*1979 - Elizabeth G. Thornburg
Total: \$7,780*

(Q)JAMES R. AUSTIN
TEMPLE B. INGRAM JR.
(H)BRUCE E. ANTON
WILLIAM K. BERENSON
JACQUELYN K. JONES
MICHAEL K. PIERCE
SANTIAGO SALINAS JR.

(C)RICHARD L. CIPPELE
THOMAS J. COLVEN III
ANN S. FRITTS
JAMES E. HAAS
STEPHEN L. HANCOCK
ANDREW R. HARVIN
RONALD O. HOLMAN
J. WARREN HUFF
MARY EMMA A. KARAM
DAVID R. MILLER
WINNORA I. RICHBOURG
JOE E. RUSSELL
KAREN C. SARGENT
STUART R. SCHWARTZ
H. MICHAEL WARREN
(A)J. MITCHELL BELL
ROBERT J. BROWN JR.
THOMAS B. CARTER
TIM GAVIN
DI A. JOHNSTON
GENICE A. G. RABE
CAROL K. SHAFFER
MARIANNE G. VISSER
WILLIAM C. WILSHUSEN

1980 - Stuart A. Jones
Total: \$6,682

(Q)DAVID G. DRUMM
JONATHAN K. HUSTIS
STUART A. JONES
LINDA J. NEWMAN
TIMOTHY E. POWERS
(H)WILLIAM BETTS JR.
DEREK N.S. CHING
MICHAEL R. HOFFMAN
DANA T. PICKARD
CHARLES J. QUAID
(C)KATHLEEN L. BIRD
WILLIAM L. BOEING
MARY G. BURDIN
ALAN L. BUSCH
D. STEPHEN FORT
JAMES C. HALLIBURTON JR.
CLAYTON M. LEWIS
CRAIG E. MILEY
TENNESSEE NIELSEN
JOSEPH F. NISTICO JR.
R. JAMES PHILLIPS JR.
MARK A. POWELL
PAUL E. ROWSEY III
TA-KAI SHAO
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